

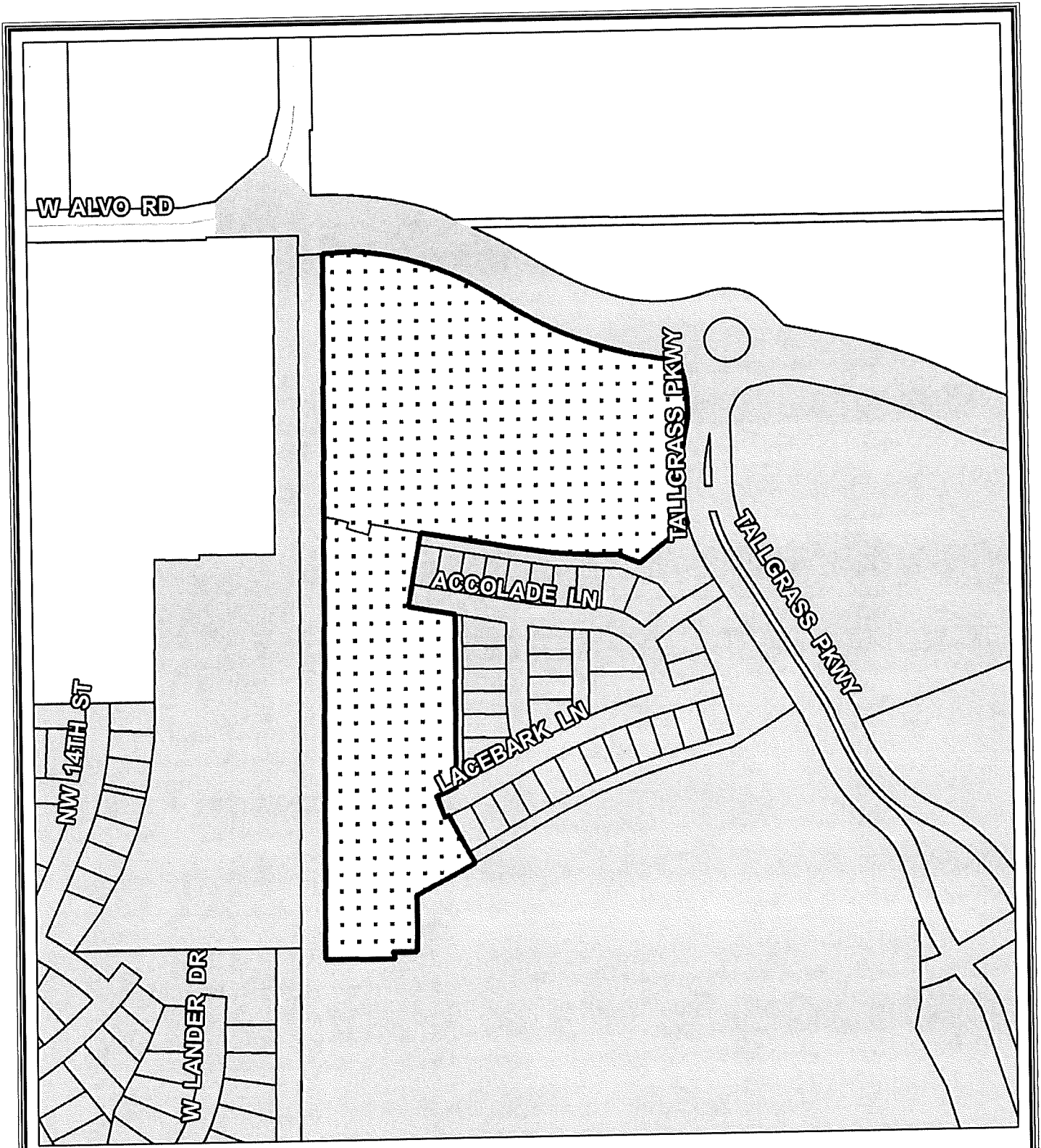
IN LIEU OF DIRECTORS' ORGANIZATIONAL MEETING
Monday, November 22nd, 2021

I. DIRECTORS CORRESPONDENCE

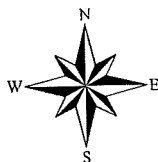
1. BP211105-1 Final Plat 21070 Map, Geri Rorabaugh
2. BP211109-1 Annexation 19006 Map, Geri Rorabaugh
3. BP211109-2 Weekly Admin Approvals, Geri Rorabaugh
4. BP211112-1 Historic Preservation Commission, Geri Rorabaugh
5. BP211112-2 City Board of Zoning Appeals, Geri Rorabaugh
6. BP211112-3 NE Capitol Environs Commission, Geri Rorabaugh
7. Staff memo to City Council, Geri Rorabaugh
8. BP211116-1 Weekly Admin Approvals, Geri Rorabaugh
9. BPC211117-1 Final Action Notice, Geri Rorabaugh
10. BP211117-2 PC Action, Geri Rorabaugh


II. CONSTITUENT CORRESPONDENCE

1. Maline Hawley Neighborhood Project, Ricke Fahrenbruch
2. Masks, Bryce Gillett
3. More feedback, Bryce Gillett
4. We the People Madsen Update, Robert Borer
5. We the People "vaccine" injury update, Robert Borer
6. Restricting Shape Files, Dave Shively
7. Connecting the Dots, Dawn Lindsley
8. Pershing Re-Vamp, Bill Christensen
9. Council Meeting Susan Chaloupka, Susan Chaloupka
10. Mayor does not live in Lincoln, Stafford Sikes
11. Junk Cars, Debra Roberts
12. City Ordinance to Penalize unsecured weapons in vehicles, Andy Gueck
13. We the People Update on Chairman Xiden, Robert Borer
14. Where to send Doctor bills, Eric Boyd
15. We the People Intel Update...Robert Borer



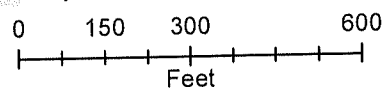
**Annexation by Final Plat
Aster Rd & Tallgrass Pkwy
Effective: November 3, 2021**

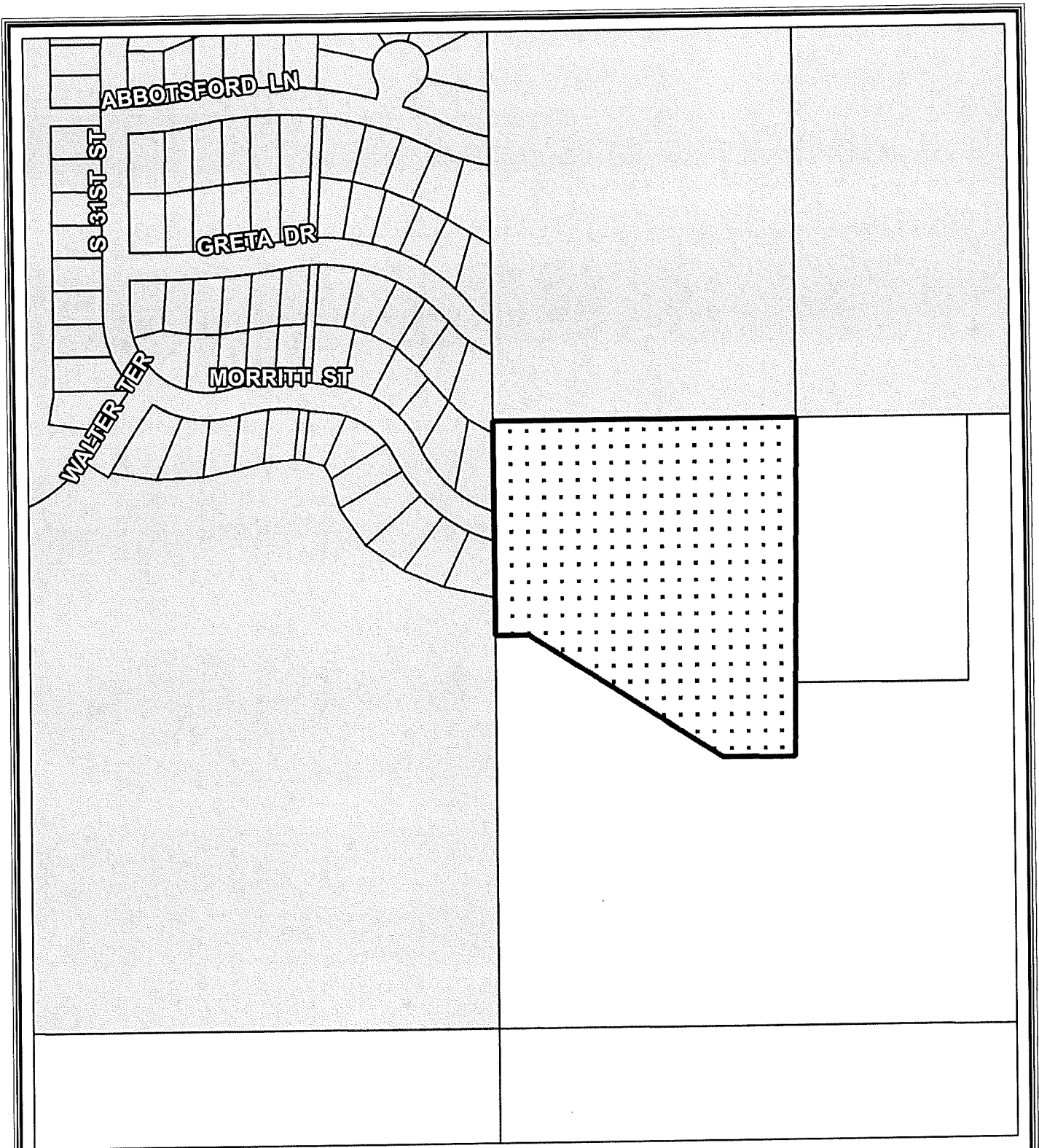


 Area of Annexation

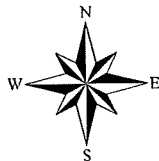
 Tax Parcels




 City Limits Before Annexation

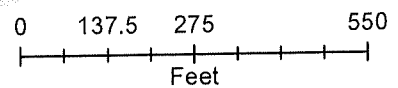




Annexation by Ordinance
S 40th St & Rokeby Rd
Effective: November 16, 2021



-  Area of Annexation
-  Tax Parcels
-  City Limits Before Annexation





Memorandum

Date: ♦ November 9, 2021

To: ♦ City Clerk

From: ♦ Rhonda Haas, Planning Dept.

Re: ♦ Administrative Approvals

cc: ♦ Geri Rorabaugh, Planning Dept.

This is a list of City administrative approvals by the Planning Director from November 2, 2021 through November 8, 2021:

Administrative Approval 21046, to Change of Zone 05061D, Southwest Village PUD, approved by the Planning Director on November 5, 2021, to split parcel 3 into 2 separate lots and an outlot for future development, on property generally located at West Denton Road and SW Amaranth Lane.

Administrative Approval 21050, to Change of Zone 07060C, Wilderness Heights PUD, approved by the Planning Director on October 21, 2021, to reduce the number of row-housing units, add two 54-unit apartment buildings, and one 45-unit apartment building on property generally located at S 40th St and Wilderness Hills Blvd.

HISTORIC PRESERVATION COMMISSION

The City of Lincoln Historic Preservation Commission will hold a public meeting on Thursday, **November 18, 2021**, at **1:30 p.m.** in Room 113, County-City Building, 555 S. 10th Street, Lincoln, Nebraska, to consider the following agenda. For more information, contact the Planning Department at (402) 441-7491.

Masks are strongly encouraged for our public meetings in this building.

AGENDA

1. Approval of HPC meeting record of October 21, 2021.
2. Opportunity for persons with limited time or an item not on the agenda to address the Commission.

HEARING AND ACTION

3. Certificate of Appropriateness for work at 803 Q Street, in the Haymarket Landmark District – *UDR21092*
4. Application for Landmark designation of 311 S. 7th Street, the Curtis & Bartlett/Cotswold Building, including B-4 Changes of Zone – *CZ21046*
5. Certificate of Appropriateness for work at the Cotswold Building – *UDR21093*

DISCUSS AND ADVISE

6. Advisory review of Haymarket street closure elements – *UDR21094*
7. Misc. & Staff Report

*The Historic Preservation Commission's agenda
may be accessed on the Internet at
<http://lincoln.ne.gov/city/plan/boards>*

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

<https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/HPC/AGENDA/2021/ag111821.docx>

CITY BOARD OF ZONING APPEALS

Notice is hereby given that the **CITY BOARD OF ZONING APPEALS** will hold a public hearing on **Friday, November 19, 2021**, at 1:30 p.m. in the **City Council Chambers** on the 1st Floor of the County-City Building, 555 South 10th Street, on the following item. For more information, please contact the Planning Department at (402) 441-7491.

Masks are strongly encouraged for our public meetings in this building.

AGENDA

November 19, 2021

1. Approval of the minutes of the City Board of Zoning Appeals hearing, held October 29, 2021.

ADMINISTRATIVE ACTION

2. BOARD OF ZONING APPEALS 21003, requested by NeighborWorks of Lincoln, for a variance to minimum lot width from 40' to 39.9' for a single-family dwelling on property generally located at 30th and S Streets.

* * * * *

The City Board of Zoning Appeals agenda may be accessed on the Internet at
<http://www.lincoln.ne.gov/city/plan/boards/cibza/cibza.htm>

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.



NEBRASKA CAPITOL ENVIRONS COMMISSION

The Nebraska Capitol Environs Commission will hold a meeting on **Thursday, November 18th, 2021**. The meeting will convene at **11:00 a.m.** in Hearing Room 1510 on the 1st Floor of the **Nebraska State Capitol**, 1445 K Street, Lincoln, Nebraska.

For more information, please contact the Lincoln/Lancaster County Planning Department at 402-441-7491.

AGENDA

November 18, 2021

1. Approval of meeting record of September 24, 2021

* Memo from Collin Christopher

Public Hearing & Action

2. Exterior work at 501 S 14th Street (*State Building Division and the Office of the Chief Information Officer; UDR21091*)

Discussion

3. LTU water main replacement projects update
4. Staff updates & miscellaneous

Accommodation Notice

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participation in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402-441-7624 as soon as possible before the scheduled meeting date in order to make your request.

<https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/NCEC/Agendas/2021/111821.docx>

MEMORANDUM

TO: Lancaster County Board of Commissioners
Lincoln City Council

FROM: Planning Department

SUBJECT: CPA21002, 2050 Comprehensive Plan Minor Revisions

DATE: November 12, 2021

CC: File

The purpose of this memo is to note several minor corrections proposed for the Comprehensive Plan following the October 27th Planning Commission hearing. These minor corrections do not change the overall substance of the Plan. The current draft of the Plan available on www.planforward2050.com includes the proposed changes.

- Table E1.a: Housing Type by Decade, Lincoln
 - o Corrected a typo that incorrectly stated the number 12+ unit complexes added between 2001-2010.
 - o Added an explanatory note at the bottom of the table to clarify that the data was referencing number of parcels.
- Policy 48, Action Step 4
 - o Revised text to clarify that Lincoln currently has SOLSMART "Gold" status.
- Figure E9.c: Priority Trails Projects
 - o Added a map layer that shows all future trails projects as identified in the 2050 Long Range Transportation Plan (LRTP). The future trails content was reviewed by Planning Commission as part of the LRTP with MISC21011.
- Figure E5.a: Existing and Future Park Sites
 - o Future park sites were inadvertently left off map in the Planning Commission draft. This pending change was noted at the Planning Commission hearing.

- Figure GF.c: 2050 Priority Growth Areas
 - o This growth map was developed in late 2020. The "Priority A" area is meant to represent areas with existing approvals. The map has been updated to include 2021 approvals within the "Priority A" area.
- E9: Transportation Element
 - o Multiple minor adjustments to both the LRTP and Transportation Element of the Comprehensive Plan were noted in the staff report for MISC21011. Those changes have now been added to the Comprehensive Plan text.
- Appendix A: Public Participation Summary
 - o Minor text update to note the meetings and events attended by Planning staff to promote the draft plan.



Memorandum

Date: ♦ November 16, 2021

To: ♦ City Clerk

From: ♦ Rhonda Haas, Planning Dept.

Re: ♦ Administrative Approvals

cc: ♦ Geri Rorabaugh, Planning Dept.

Shellie Reid, Planning Dept.

This is a list of City administrative approvals by the Planning Director from November 9, 2021 through November 15, 2021:

Administrative Approval 21058, to Use Permit 141A, Thompson Creek Office Park, approved by the Planning Director on November 15, 2021, to modify the General Site Notes by deleting Notes #20 and #21 relating to a right-turn lane in South 56th Street associated with the development of Lot 7, Block 1, authorized by an approval of a deviation by the City Council on October 18, 2021, on property generally located at South 56th Street and Pine Lake Road.

PLANNING COMMISSION FINAL ACTION NOTIFICATION

TO: Mayor Leirion Gaylor Baird
Lincoln City Council

FROM: Geri Rorabaugh, Planning

DATE: November 17, 2021

RE: Notice of final action by Planning Commission: November 17, 2021

Please be advised that on November 17, 2021, the Lincoln City-Lancaster County Planning Commission adopted the following resolutions:

Resolution PC-01784, approving **PRELIMINARY PLAT 20004**, for a new preliminary plat consisting of two lots, on property legally described as Lot 70, I.T., located in the SE 1/4 of Section 6-10-7, Lincoln, Lancaster County, Nebraska, generally located West of North 33rd Street and Schworer Drive;

Resolution PC-01785, approving **PRELIMINARY PLAT 21005**, for a preliminary plat consisting of one lot and one outlot, on property legally described as Lot 1, EDM Industrial Center 1st Addition along with the vacated right-of-way of West View Avenue adjacent to said described lot, Lot 69, I.T., and Lot 70, I.T., and Lot 111, I.T., located in the N 1/2 of Section 29-10-06, Lincoln, Lancaster County, Nebraska, generally located at 3301 West O Street;

Resolution PC-01786, approving **SPECIAL PERMIT 21047**, to allow for a CUP (Community Unit Plan) with up to 36 dwelling units on approximately 0.89 acres, with requested waivers, on property legally described as Lots 7-12, Block 2, Moore's Subdivision of Lot 5, and all of the East/West alley adjacent to said described lots, located in the NE 1/4 of Section 24-10-6, Lincoln, Lancaster County, Nebraska, generally located at North 24th and Y Streets; and

Resolution PC-01787, approving **SPECIAL PERMIT 17022A**, to amend the Dominion at Stevens Creek Community Unit Plan to allow for the removal of 77 single-family and townhome lots and the addition of up to 462 multi-family dwelling units for a total of 835 residential dwelling units, on property legally described as Lot 23, I. T., a part of Dominion at Stevens Creek Addition, a part of Dominion at Stevens Creek 2nd Addition, all of Dominion at Stevens Creek 3rd Addition, a part of Dominion at Stevens Creek 4th, all of Dominion at Stevens Creek 5th and all of Dominion at Stevens Creek 6th Addition, all located in Section 24, Township 10 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, generally located at North 105th Street and Wayborough Lane.

The Planning Commission action on these applications is final, unless appealed to the City Council by filing a notice of appeal with the Planning Department within 14 days of the action by the Planning Commission

The Planning Commission Resolutions may be accessed on the internet at www.lincoln.ne.gov (search for "PATS"). Click on "Planning Application Tracking Service (PATS)" at the top of the page, click "Selection Screen" under "PATS Tools" on the right side of the screen, type in the application number (i.e. PP20004, PP21005, SP21047, SP17022A), click on "Search", then "Select", and go to "Related Documents".

****ACTION BY PLANNING COMMISSION****

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, November 17, 2021, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

Masks are strongly encouraged for our public meetings in this building.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of *FINAL ACTION*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

The Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing Plan@lincoln.ne.gov by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.

AGENDA

WEDNESDAY, NOVEMBER 17, 2021

[Commissioner Joy absent; Commissioner Cruz arrived at 1:07 pm; Commissioner Ryman Yost arrived at 3:42 pm; Commissioner Corr left at 3:42 pm]

Approval of minutes of the regular meeting held October 27, 2021. ****APPROVED: 5-0; (Corr abstained; Joy, Cruz and Ryman Yost absent)****

1. **CONSENT AGENDA:**
(Public Hearing and Administrative Action);

CHANGE OF ZONES AND RELATED ITEM:

- 1.1a CHANGE OF ZONE 20029, from R-3 (Residential District) to H-3 (Highway Commercial District), on property generally located west of North 33rd Street and Schworer Drive.

Staff recommendation: Approval

Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

Planning Commission recommendation: APPROVAL; 7-0 (Joy and Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, December 13, 2021, 3:00 p.m.

- 1.1b PRELIMINARY PLAT 20004, for a new preliminary plat consisting of two lots, on property generally located West of North 33rd Street and Schworer Drive. ***
FINAL ACTION ***

Staff recommendation: Conditional Approval

Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated November 9, 2021: 7-0 (Joy and Ryman Yost absent). Resolution No. PC-01784.

CHANGE OF ZONE:

- 1.2 CHANGE OF ZONE 21047, from AG (Agricultural District) to H-4 (General Commercial District) and I-1 (Industrial District), on property generally located at 201 West O Street.

Staff recommendation: Conditional Approval

Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

Planning Commission recommendation: CONDITIONAL APPROVAL; 7-0 (Joy and Ryman Yost absent), as set forth in the conditions of the staff report dated November 3, 2021. Public hearing before the City Council is tentatively scheduled for Monday, December 13, 2021, 3:00 p.m.

MISCELLANEOUS:

- 1.3 MISCELLANEOUS 21012, to review the proposed determination that the NW 48th Street Redevelopment Area be declared blighted and substandard as defined in the Nebraska Community Development Law. The study area is approximately 815 acres and is generally bounded by W Wilkins Street on the north, NW 57th Street on the west, W Holdrege Street on the south and NW 48th Street on the east.

Staff recommendation: Finding of Substandard and Blighted Conditions

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

Planning Commission recommendation: FINDING OF SUBSTANDARD AND BLIGHTED CONDITIONS: 7-0 (Joy and Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, December 13, 2021, 3:00 p.m.

- 1.4 MISCELLANEOUS 21013, to review the proposed determination and identifying areas of the city that meet the statutory definition of Extremely Blighted, as defined in the Nebraska Community Development Law. The study area is approximately 815 acres and is generally bounded by W Wilkins Street on the north, NW 57th Street on the west, W Holdrege Street on the south and NW 48th Street on the east.

Staff recommendation: Finding of Extremely Blighted Conditions

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

Planning Commission recommendation: FINDING OF EXTREMELY BLIGHTED CONDITIONS: 7-0 (Joy and Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, December 13, 2021, 3:00 p.m.

PRELIMINARY PLAT:

- 1.5 PRELIMINARY PLAT 21005, for a preliminary plat consisting of one lot and one outlot, on property legally generally located at 3301 West O Street. *** FINAL ACTION ***
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated November 4, 2021: 7-0 (Joy and Ryman Yost absent). Resolution No. PC-01785.

2. REQUESTS FOR DEFERRAL: None.

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

CHANGE OF ZONE:

- 4.1 CHANGE OF ZONE 19031A, from AG (Agricultural District) to R-3 (Residential District) PUD (Planned Unit Development), to O-3 (Office Park) PUD, and to H-4 (General Commercial District) PUD with exceptions to the Zoning and Subdivision Ordinances, on property generally located at South 40th Street and Yankee Hill Road
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
Planning Commission recommendation: CONDITIONAL APPROVAL; 7-0 (Joy and Ryman Yost absent), as set forth in the conditions of the staff report dated November 2, 2021. Public hearing before the City Council is tentatively scheduled for Monday, December 13, 2021, 3:00 p.m.

CHANGE OF ZONE AND RELATED ITEMS:

- 4.2a CHANGE OF ZONE 21048, from R-4 (Residential District) to R-6 (Residential District), on property generally located at North 24th and Y Streets.
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission recommendation: APPROVAL; 7-0 (Joy and Ryman Yost absent). Public hearing before the City Council is currently pending.

- 4.2b SPECIAL PERMIT 21047, to allow for a CUP (Community Unit Plan) with up to 36 dwelling units on approximately 0.89 acres, with requested waivers, on property generally located at North 24th and Y Streets. *** FINAL ACTION ***
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated November 4, 2021: 5-2 (Corr and Eddins dissenting; Joy and Ryman Yost absent). Resolution No. PC-01786.
- 4.2c STREET & ALLEY VACATION 21007, to vacate the east-west alley between Y and Orchard Streets, generally located north of Y Street between N 23rd and N 24th Streets.
Staff recommendation: Conforms to the Comp Plan with Conditions
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission recommendation: FINDING OF CONFORMANCE TO THE COMPREHENSIVE PLAN; 7-0 (Joy and Ryman Yost absent). Public hearing before the City Council will be scheduled when the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

SPECIAL PERMIT:

- 4.3 SPECIAL PERMIT 17022A, to amend the Dominion at Stevens Creek Community Unit Plan to allow for the removal of 77 single-family and townhome lots and the addition of up to 462 multi-family dwelling units for a total of 835 residential dwelling units generally located at North 105th Street and Wayborough Lane. *** FINAL ACTION ***
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated November 4, 2021: 7-0 (Joy and Ryman Yost absent). Resolution No. PC-01787.

5. ADMINISTRATIVE ACTION ONLY:

SPECIAL PERMIT:

- 5.1 SPECIAL PERMIT 21042, to allow for the construction of a large Solar Energy Conversion System, in compliance with Section 13.051 of the Lancaster County Zoning Regulations, on property generally located from west of 148th to 190th Streets and from Holdrege Street to north of Havelock Avenue. A map of the area under consideration is available for review in the Planning Department Office located at 555 So. 10th Street. *** FINAL ACTION ***
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated October 14, 2021, and amended by Planning Commission: 6-1 (Rodenburg dissenting; Joy and Corr absent). Resolution No. PC-01788.

AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO.

Adjournment 4:07 p.m.

JaMel E. Ways

From: fiberdetails <fiberdetails@yahoo.com>
Sent: Thursday, November 4, 2021 9:57 AM
To: Council Packet
Subject: Maline Hawley Neighborhood Project

I oppose the large apartment complex proposed for two reasons, parking and density. A smaller complex with adequate parking is the reasonable solution.

Thanks,
Ricke Fahrenbruch

Sent from my Galaxy

JaMel E. Ways

From: Gillett, Bryce <bryce.gillett@trimarkusa.com>
Sent: Thursday, November 4, 2021 4:26 PM
To: Mayor; Council Packet; Pat D. Lopez
Subject: Masks...

Just checking in again. No response from anyone on this? Why are we continuing with something that had no traceable effect the first time, and no actual scientific data to prove that it is effective? Every other county in NE, and many other states have discontinued these same kinds of mandates. Even our very liberal neighboring state of CO. Many businesses have stopped enforcing this in Lincoln anyway, and most are only doing it because you say so, not because they think it's a good idea.

Please, on behalf of the people that may or may not have voted for you, but the people that literally pay for your salary, please drop the mandate. Even just to have a news conference tomorrow, or no conference at all, but just a mention of the discontinuation effectively immediately would make many people and businesses in this city/county happy. And any individual that would like to mask up can certainly still do so.

Still waiting on a response from the other day about how Lancaster gets to side step the governor on this...
Thanks!



Bryce Gillett, Outside Sales
TriMark Hockenbergs | Lincoln NE & surrounding area
P 402-339-8900 | C 402-310-9340 | E bryce.gillett@trimarkusa.com | hockenbergs.com

****Please note- my email address has changed****

This transmission is CONFIDENTIAL and the information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is STRICTLY PROHIBITED. If you have received the transmission in error, please immediately notify us by e-mail and/or telephone, and delete the transmission and any attachments from your mailbox. Thank you.

JaMel E. Ways

From: Gillett, Bryce <bryce.gillett@trimarkusa.com>
Sent: Monday, November 8, 2021 10:59 AM
To: Cheri L. Howard
Cc: Mayor; Council Packet; Pat D. Lopez
Subject: More feedback

Good morning Cheri, I won't bother you too much this week as I'm leaving for vacation on Wednesday but did want to mention just a couple of things from this weekend and this morning.

I helped operate concessions this weekend for State Volleyball at one of the High Schools in town. Although I completely disagree with masking, because I was a volunteer, I followed the "rules" and wore one for a majority of the time. Not because it works or had any affect except me adjusting it repeatedly and itching my face, but out of respect for our AD and others at our school who also disagree, but have to step in line and follow suit or be reprimanded. However, based on what I saw I would estimate about 75% or more of spectators did not wear masks. It was nice to see people choosing to or not all on their own, and no one telling them anything different.

This morning I saw a post on the Nextdoor Neighbor site/app. I usually delete and go about my day but this one caught my attention. Someone was mentioning that they were very upset that a local hardware store didn't have a sign posted on their door requiring masks and indicated they wouldn't shop there anymore. Freedom of choice- I support that for sure. Shop or don't shop, mask or don't mask. By 7am there were about 60 replies, and about 55 of those were very much done with forced masking and in support of making the choice on their own. Many of those replies were also people saying they would be certain to go shop at that store to show support for them specifically because they weren't requiring masking. Several replies also mentioned what I initially started off with a week or so ago- that being that Lancaster is the ONLY county in NE with a mask mandate still in place. And that our numbers are similar to Omaha area numbers where they do not have a mandate. More repetition of info that indicates masking doesn't make a difference, or at least any difference of substance.

I understand that a lot of people making these decisions don't feel like they can back down because it admits that this was not the correct response from the start, but hopefully the Mayor can find a way to gracefully exit out of the mandate. Thankfully, I'll be out of Lincoln and Lancaster for about 10 days total for the remainder of the month. Florida for vacation, and KC for a soccer tourney. Also another nearby large city population area without mandates. I just met with a friend from there this past week and he talked about how nice it was to be there in KC, and how frustrating it was to visit Lincoln.

So that's my spiel for this week.



HOCKENBERGS

Bryce Gillett, Outside Sales

TriMark Hockenbergs | Lincoln NE & surrounding area
P 402-339-8900 | C 402-310-9340 | E bryce.gillett@trimarkusa.com | hockenbergs.com

****Please note- my email address has changed****

This transmission is CONFIDENTIAL and the information is intended only for the use of the individual or entity to whom it

is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is STRICTLY PROHIBITED. If you have received the transmission in error, please immediately notify us by e-mail and/or telephone, and delete the transmission and any attachments from your mailbox. Thank you.

JaMel E. Ways

From: Robert Borer <robertjborer@gmail.com>
Sent: Monday, November 8, 2021 1:56 PM
To: WethePeople@commonsense.org
Subject: We the People Madsen Update

Friends-

Baird and Lopez continue to be the laughing stock of the State, along with all those bad actors in judgeships and sitting on local boards who support them (city council, school board, county commissioners, "health board," etc).

A State of Emergency? What a joke. A county-/community-wide face diaper mandate? What a joke. Once again, 100,000+ people this past Saturday were found chanting, "**Let's Go Bairdon!**" (Metaphorically speaking, of course. Call it "the finger," if you wish.) Nary a face diaper in sight. The face diaper wearers must have been hiding. We normal people were packed in, with naked faces, enjoying ourselves and our friends.

Of course, local small business owners/ex-owners (and their families and friends) weren't laughing. How many has she destroyed, now? Anyone know?

You can't trust anything these two, or their supporters, say. It's all propaganda, until proven otherwise.

Best to simply ignore them and go about your life. There is no such thing as a "covid" mask (and it is unlawful to label any as such). Nevermind "covid" itself. We've addressed this numerous times. If you need a refresher, let me know. Sick and dead people? Yes, but not from what they say.

I still haven't had a sniffle, and I've been face to face with literally thousands. Sick people don't scare me in the least. I've never used hand sanitizer, a face diaper or (anti-)social distancing. I understand where health comes from. I understand where sickness comes from, and it's not from some novel, invisible, deadly, flying contagion. That's pure nonsense. Virology is absolute pseudo-science. It's nothing but Black Hat Santa Claus for Big Pharma execs and their greedily investors. Christmas in July? How about Christmas all year long, for these criminals.

Moving on....

Things are up in the air on the poison jab mandates. Don't get excited. It's unlawful to mandate an experimental, liability-free "vaccine." Doesn't mean your employer won't try to break the law, but I have several questions for you to ask them, if they try. Don't just buckle. If you aren't willing to fight for your rights and freedoms, why should anyone else? I responded to one person with this: "I've been there. I was the husband, father and sole provider for a wife and four kids (back in the early 90's). I walked away from a job for moral reasons. I had no trade or degree [to fall back on]. But I had faith in God. Strong faith. [And I was willing to work, and work hard.] It wasn't easy, but it [panned] out. If we're not actively trusting in, looking to and relying upon God, and His wisdom, we may as well fold, as individuals. Life is hopeless. [Better to die sooner than later, and end the suffering.]"

Several contacted me about the special session, with info on who was for it and who wasn't. I share a note down below that someone sent me on the matter. Personally, I think our (weak) Chief State Executive should have simply stood up (and into his bully lectern/pulpit) and answered our (fake) Federal Chief Executive with a simple Statement of Nullification. In other words, "**Brandon, [of "Let's Go Brandon" fame], you have no authority or jurisdiction here. Go fly a kite.**" The Courts are not the final arbiters of all things inherent

and inalienable, or Constitutional. They are just one branch, that is no higher than the other branches, and they have no enforcement power. Ours is a system of reason, and the rule of law (that applies to everyone equally), not arbitrary edict, or a majority of nine. Five people out of nine don't make something right. How dumb. Judges are neither incorruptible nor infallible...nor immune to being politicized. Just look at the Dred Scott decision, where SCOTUS got it so wrong. That wasn't the only time. Here's my last thought for now on how Ricketts is handling this: He wrote an EO protecting State employees, but he won't protect private employees who actually pay ALL the bills? How is that a working economic theory? That right there should tell you a lot about Pete Ricketts. He's out of touch.

Our system of government has been completely corrupted. We need a total Reset. And not the kind proposed by the World Economic Forum. They will be the ones *getting* reset, not *doing* the reset. **We the (working) People are the government.** We are in charge, we demand change and we will get it.

That's about all I'm going to say for now, except for this: We are planning a party at Madsen's this Thursday, for all interested. Just a party...for party people. No poopers. We're celebrating a revival of the Principles articulated in the Declaration of Independence. If you plan on attending, write it on your chalkboard, or white board, or wall calendar, or whatever....for 6:30 p.m. Come prepared for friendly, God-fearing and -loving interaction, where all attendees are considered "created equal."

The rest of this letter will be sharing with you what some of my readers have shared with me (not saying I necessarily endorse what they shared):

Here goes...

From Anon:

Some more stuff to think about. We got a phone call today from a guy from Xxxxx Xxxx pissed that Senator Xxxxx didn't sign on to the special session and he wanted to know why. Here's what I explained to the guy over the phone. If you want to use any of this, feel free. But right now, all this falls directly on Ricketts.

Governor Ricketts

1. Said repeatedly through October that he wanted to join 24 other states in suing OSHA over the federal vaccine mandate. Last Friday, Nebraska along with nine other states actually did file a lawsuit
2. The lawsuit says that among other things, the mandate violates the 10th Amendment (I reminded him that the 10th Amendment says the powers not specifically given to Congress are reserved for the states)
3. The federal government has responded by pushing the federal vaccine mandate back to January 4th. If the 24 states that said they were going to sue would all join, that would carry more weight than simply the Nebraska Legislature.
4. Alabama and Texas issued executive orders blocking not just state employees but ALL employees in their states from having to get the mandate. South Dakota is very likely going to follow suit. Governor Ricketts could just as easily do that, and wouldn't need to call a special session.

Special Session

1. Carol Blood sent out an email that basically shows what the Dems' strategy would be in a special session. They want to add amendments to protect the "workers rights" of other specific groups, such as LGBTQ. They want to create protected classes of workers, which is not at all the intention of a special session.
2. You saw how many amendments got thrown into the redistricting special session. The Democrats would throw amendment after amendment into any proposed legislation, and even if we had the 33 votes, the filibusters would drag us out easily until January.

So I told Xxxxx the best bet would be to call Governor Ricketts and ask him to follow Alabama, Texas and South Dakota and issue an executive order as well as stay onboard the OSHA lawsuit. That is the best chance we have of blocking the mandate. He seemed satisfied with that and said he will definitely be calling the Governor.

From DM:

Tom Cowan, MD, (of "there's been no isolation of the virus" fame) explores arbitrary victimless crime and more! :-) This is the first material along these lines that has made any sense to me. Take it or leave it.
https://podcasts.apple.com/us/podcast/conversations-with-dr-cowan-friends/id1530268266?i=1000529695594&fbclid=IwAR0A5_dG_LLyxXNtFgIGrNixTCQaeQo2yj2K5xVz-eiCgnK077WMhJwuj6k

Also from DM:

DEVOUT PAGANS, SATANISTS & TRAITORS -- DR. ZEV ZELENKO
https://www.bitchute.com/video/6BT3WYyTzf7m/?fbclid=IwAR24kBnTtEwNo5LoVe9AFecSEdXCqD9blZyg3iAQLg_ekoCagAMHR573hkQ

From DS:

If you haven't already viewed this info, I thought you might find it helpful. There are links to 4 sample letters embedded in the article....you just have to scroll down a bit. <https://thomasmoresociety.org/vaccine-legal-help/> Also check out the link on "Employer Responses". Finally, I talked with xxxxx xxxx from Xxxxxx yesterday and they were granted a religious exemption by XXX. She is willing to share how they uniquely structured their document, if you are interested. I have a pro Zoom account so can facilitate a zoom call with unlimited participants if you have folks interested in listening to her.
(If you want the source of this report, let me know.)

From BH (I was copied in):

Not a good look Senator [Kolterman]. The conservative and republican electorate of this state want and demand from you that you sign on to the effort of BANNING private employers from requiring these non-sense "vaccines." At the end of this correspondence I will attach a link to a video documenting vaccine injury and death.

Sellout legislators like yourself have used this excuse for too long - that, somehow, ANY restriction by government on a private business is "heavy handed" and is somehow "anti-free market."

Hey Senator, get clued in: Republican and conservative voters are beyond that. We don't buy it any more. And we have our strong suspicions about what could possibly underlie your sorry excuse. Perhaps you have, or intend, to take money from some private entity to sit out on this most crucial of issues that conservative and Republican Nebraska voters almost universally want you to perform while you hide behind said sorry excuse. Could this be the reason?

A little analogy...Would you be in favor of a grocery store requiring its employees to eat a sample of EVERY SINGLE item in the store so that it would make them a better sales person? After all, it could easily be justified that it's in the best interests of the business? What about a person with diabetes? What about a person with an allergic reaction? What about a person with religious dietary restrictions? Are you really going to get behind something like that? No, because you're not stupid. So please... do us all the favor and quit acting like you're stupid on this other issue.

The political scenario that such an asinine thought process creates is one where the government is restricted from medical tyranny, but the private sector can practice medical tyranny in the name of a "free market." And you're just okay with that? You see, we realize that tyranny can be wrought on citizens by government as much as it can be wrought on employees by employers. It's private sector workers paying the public's bills, after all.

Not alone that, every attempt to gather raw data from the CDC to examine the science and scope behind covid-19 has been met with stonewalling. Did you know, this issue is now in federal court and things don't look good for the CDC?

We the people of Nebraska who love liberty WILL win! If that means that we have to go door to door among your constituents to inform them of this so that they can oust your sorry ass in a primary, guess what we're going to do? We will GET people into your district to bring this up if you don't do what we want.

See, what you don't know is that an army of grassroots conservatives have been mobilized in the Republican party in the past year. We are done with RINO's like you. And we're going to see to it that your ilk are done with the political hacking of our state. And I don't think you or your aides have any clue as to how pissed off ordinary people are.

The time is now for legislators to step in and be heroes. Too many are committed to being political whores. But one cannot be a hero to the people while practicing whoredom to other interests.

<https://www.bitchute.com/video/NqRgv5z5BMq7/> [this link has been killed]

Earnestly,
Xxxxx Xxxxx

From Twitter (@GarretKramer):

Nov 6
Ivermectin helps those who are sick because it's an anti-parasitic. And parasites [can] inhibit healing. Don't make it out to be anything more. Stay clean, detox regularly, and you'll stay healthy.

From AS:

<https://www.youtube.com/watch?v=uMlcnmS46SA>

From J:

<https://wentworthreport.com/ivermectin-and-cancer/>

Follow Daniel Alexander on Twitter and Telegram

@Alec_Zeck

https://twitter.com/Alec_Zeck?s=20 <https://t.me/TheWayFwrd>

For lots of stories about injury and death from the quackccine (the real bio-weapon).

That's it.

Take care.

See you Thursday.

Peace, Goodwill and God bless,

Bob

JaMel E. Ways

From: Robert Borer <robertjborer@gmail.com>
Sent: Tuesday, November 9, 2021 8:18 AM
To: WethePeople@vaccineinjury.org
Subject: We the People "vaccine" injury update

Friends-

A quick, short follow-up to yesterday's letter. I left out one important item that was shared with me by "reader" and friend Shawn. Good thing. This deserves stand alone attention.

Senator Ron Johnson conducted a hearing recently on "covid vaccine" injury. The testimonies are riveting (and very sad). The CDC and FDA are industry-controlled quasi-government agencies that are lying to you. Those lies are promoted at the local level by you-know-who-and-company. It's all about the money.

It's too bad that Senator Johnson hasn't questioned the whole "covid" narrative. But that failure doesn't take away from these injuries. Think about your own family.

Give it at least 40 minutes of your time, if you can:

<https://youtu.be/lepqvdxoA2E?t=39>

Bob

JaMel E. Ways

From: Dave J. Shively
Sent: Tuesday, November 9, 2021 8:23 AM
To: City of Waverly Administrator; Kelly Oelke; cdunn@esu2.org; grobke@esu4.net; jreimer@esu5.org; vicki.taylor@esu6.org; john.schwartz@nsdtitans.org; crieck@rcentral.org; robin.hoffman@dist145schools.org; eshockley@norrispower.com; jhmodel@nppd.com; jkuhl@nemahanrd.org; pillich@southeast.edu; David A. Derbin; Council Packet; City Clerk; Commish; Steve Joel (sjoel@lps.org); Laura Maxwell; Shaula Ross; jkuhl@nemahanrd.org; Soulinnee Phan
Subject: Redistricting Shape Files

On Friday, October 29th, at approximately 4:15 p.m., I sent a number of files including GIS shape files to all political subdivisions in that are a part of Lancaster County.

I have had a couple of political subdivisions contact me to say they had not received the email. They eventually found it had been in a quarantine or blocked for some reason.

If you did not receive it, please have your IT department check to see if it had been blocked for some reason.

Dave

David J. Shively
Lancaster County Election Commissioner
601 N. 46th St.
Lincoln, NE 68503
(402) 441-7311
(402) 441-6379 (Fax)
lanaster.ne.gov/election
Find us on Facebook: <https://www.facebook.com/lanastercountyelections>
Find us on Twitter: <https://twitter.com/LCElections/>

Apply To Be A Poll Worker

Poll workers are working together to make every vote count! Join the team! The opportunity is just a few clicks away!



JaMel E. Ways

From: Dawn Lindsley <dawn.lindsley@unl.edu>
Sent: Tuesday, November 9, 2021 2:40 PM
To: Council Packet
Subject: Connecting the Dots - response requested
Attachments: Connecting the Dots Flyer 2021 D. Lindsley 1.pdf; Employers Role Updated 2019.pdf
Importance: High

Good Afternoon Lincoln City Council –

I am a statewide Nebraska Extension – 4-H Educator with the University of Nebraska-Lincoln, and as the coordinator for the *Connecting the Dots* program. I am excited to let you know the Northeast High School, in Lincoln Public Schools, has decided to take advantage of this school enrichment program for the first time. This interactive career exploration simulation program is designed to help freshman and sophomore students learn more about careers of interest as well as how to *connect the dots* from high school through postsecondary education and training to the workplace. The attachments will hopefully give you a program overview and an idea of your role.

I am contacting you today because we utilize local/area business and industry and postsecondary and military partners to help us in conducting this simulation experience. Your responsibilities would consist of sharing a piece of advice with students who will one day be entering the workforce as well as representing your career field, talking to students in small groups about careers and preparing for the future of work. You do not need to prepare anything prior to the event, and we will conduct on onsite orientation to answer any questions prior to the simulation. We were wondering if anyone from the City and/or City Council might be willing to participate.

Details

- Who – LPS freshman and sophomore classes at Northeast High School
- What – *Connecting the Dots* simulation
- When – Monday, November 22nd, and Tuesday, November 23rd
- Where – Northeast High School (2635 N 63rd Street, Lincoln, NE 68507)
- Career Cluster – Government & Public Administration

Please let me know if you, or someone in your company, would be able to assist with this program no later than **November 16th** by filling in the Google Form https://go.unl.edu/connecting_the_dots_lps to let us know you are willing and what your preferred date and time slot(s) are. We will be in touch with additional details next week. Thank you, in advance, for helping us in preparing students for their future careers through the Nebraska 4-H Youth Development Program. If you have questions or concerns at any time, please reach out. I am working in collaboration with the Lancaster County 4-H staff on this program. My contact information is listed in my signature below (email and cell phone will garner a quicker reply) and the point of contact in Lancaster County is Tracy Anderson (tracy.anderson@unl.edu).

Sincerely,

Dawn M. Lindsley

Dr. Dawn Lindsley

Career and College Readiness

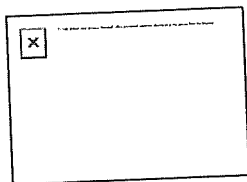
Statewide Extension Educator, University of Nebraska–Lincoln

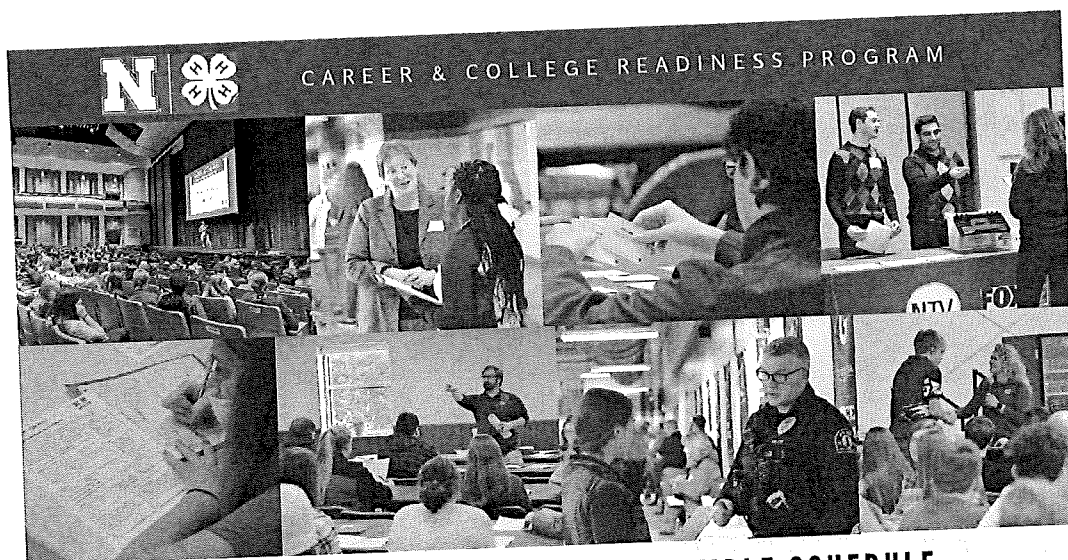
402.472.3027 office • 785.466.0147 cell • 4-H Youth Development

Visit my Virtual Office • Zoom by Appointment • dawn.lindsley@unl.edu

Top 5 Strengths: Achiever – Belief – Responsibility – Relator – Learner

BP10: Role – Conductor; Top Talents – Determination – Independence – Disruptor – Knowledge





CONNECTING THE DOTS

[HTTPS://4H.UNL.EDU/CONNECTING-DOTS](https://4h.unl.edu/connecting-dots)

This is **not** your average career fair! It is an interactive career exploration simulation program designed to help students learn about careers of interest as well as how to *connect the dots* from early high school through postsecondary education and training to the workplace. We utilize local business and industry, postsecondary, and military partners to conduct this experiential learning opportunity.

WHY CONNECTING THE DOTS?

- Extended learning opportunity designed to simulate how high school choices impact postsecondary study and workplace experiences
- Aligns to Federal Perkins Grant Priorities & Nebraska's Career & Technical Education (CTE) Model
- Integrates State Board of Education approved Career Readiness Standards & academic skills
- While many resources provide national statistics, this program prioritizes local opportunities
- Students are able to network with local/area business & industry experts, regardless of future goals
- Provide students with skills to pursue H₃ (High Skill, High Wage, & In-Demand) careers

PARTICIPANTS STATE THIS PROGRAM HAS HELPED THEM...

90%

EXPLORE
FUTURE
CAREER
OPTIONS

88%

KNOW WHAT
THEY MAY WANT
TO DO AFTER
HIGH SCHOOL

(3500 STUDENTS, COMMON MEASURES, 2019)

SAMPLE SCHEDULE

- 8:45 Registration
- 9:00 Welcome & Icebreaker Activity
- 9:15 Hear from Career Experts
- 9:30 Connecting the Dots Career Simulation
- 11:30 Discussion & Debrief
- 11:45 Educational Representatives
- 12:00 Lunch (various options)
- 12:30 Breakout Sessions
 - Work Readiness (resumes)
 - Motivated Skills
 - Networking
- 2:00 Debrief & Evaluation
- 2:30 Load Busses

STATEWIDE CONTACT

Dr. Dawn Lindsley

Career & College Readiness

Extension - 4-H Educator

(785) 466-0147 cell dawn.lindsley@unl.edu





Connecting the Dots Career Simulation

This interactive career exploration simulation program is designed to help ninth/tenth grade students "connect the dots" from ninth grade through postsecondary study to the workplace. Thank you for representing your career field in the community!

What is Connecting the Dots?

- Career simulation
 - Students walk through the steps of education after high school and finding a career
- Youth learn career readiness skills to be successful in the future.

What is my role during the simulation?

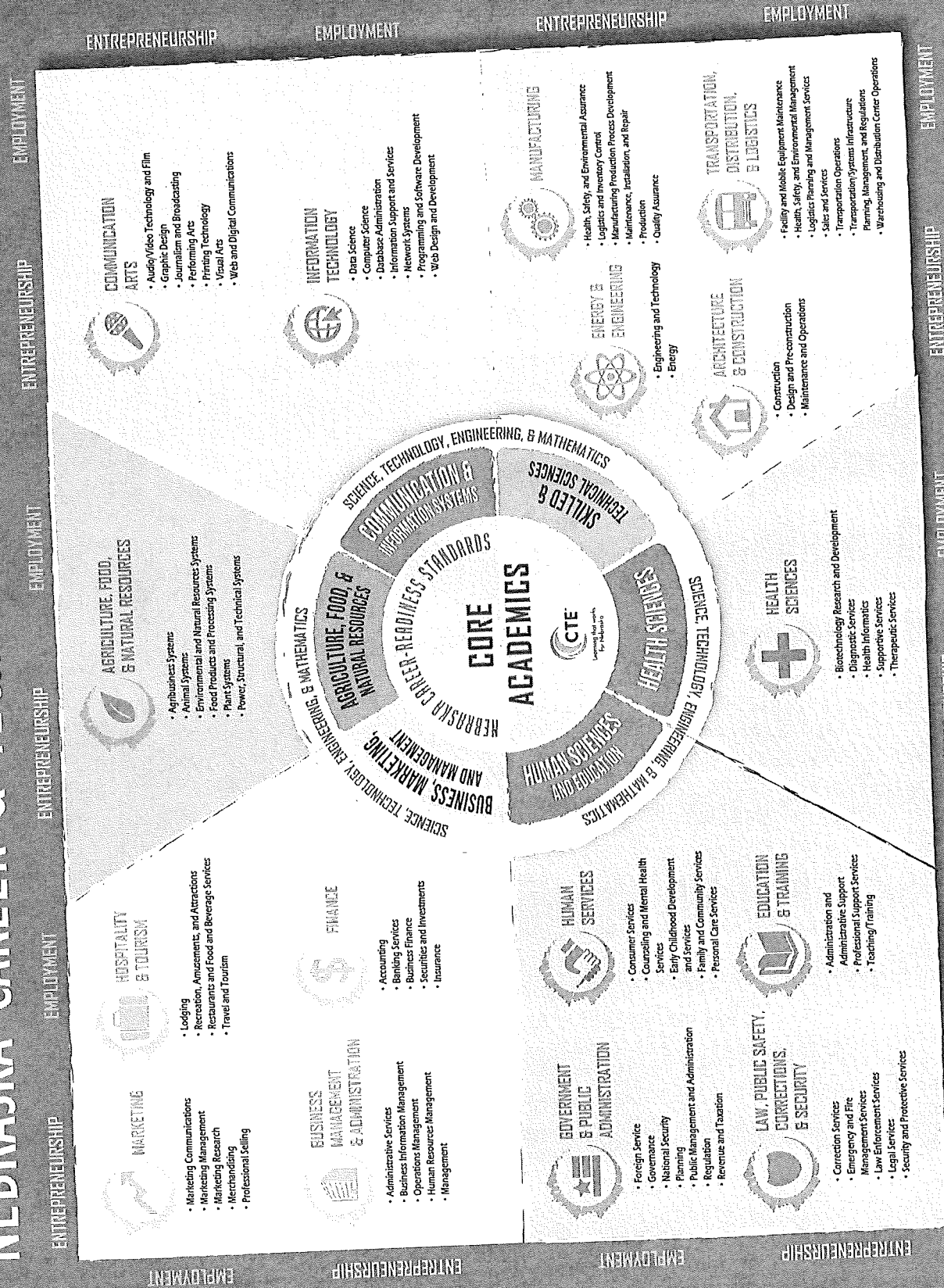
- Ask students what has happened?
 - They should read/ tell you about their high school card as well as what education steps they've taken
- Ask students what they want to do for a career/ what are they interested in?
- Help them identify a career card; many students will be unsure what they want to do, your role is to help them identify options
- Check the educational requirement on the career card they've chosen
 - If they do not meet the education requirement, do not give them the card. Tell them they need additional education for that career. If they have the proper credentials, they should take the card.
- Talk to youth about the industry.
- If all career cards have been taken, inform the student that there are not any open positions in that area (similar to what happens in real life). Help them identify a related career.
- There is a possibility that not ALL careers from this cluster in your community are available in the Connect the Dots materials. The careers chosen for this program are from O*Net website, a Department of Labor resource that compiles data for careers in Nebraska and nationwide. Some careers are versatile and may not be specifically listed as they are commonly referenced. Example: Agronomist. O*Net does not list this career, but we know there are agronomists filling roles in a variety of other titles.

What is my role during the employer address to the group?

- Share what you do
- Talk about how you arrived in your current career
- Talk about your industry
- Give a piece of advice to the students who will one day be entering the workforce



NEBRASKA CAREER & TECHNICAL EDUCATION MODEL



ADAPTED FROM NASDCTE/NCCTE CAREER CLUSTERS: PATHWAYS TO COLLEGE AND CAREER READINESS, DEVELOPED BY THE NEBRASKA DEPARTMENT OF EDUCATION

JaMel E. Ways

From: Bill Christensen <bc12448@gmail.com>
Sent: Wednesday, November 10, 2021 7:31 PM
To: Council Packet
Subject: Pershing Re-Vamp

Just a quick note about the large central downtown library. I would much rather see smaller neighborhood libraries like the Bethany Branch. If you are set on a large central library, please don't place it downtown. A new library will not rejuvenate the area. Last month when I was circling the Bennet Martin branch to pick someone up from a presentation, I was accosted twice by people hanging around the library. It's not a family-friendly area.

thank you,

Bill Christensen
936 East Avon Lane
Lincoln, NE 68505

JaMel E. Ways

From: Susan Chaloupka <chaloupkasusan@yahoo.com>
Sent: Friday, November 12, 2021 3:43 PM
To: Council Packet
Subject: Council Meeting Susan Chaloupka

This is Susan Chaloupka, I will be attending the council meeting on November 22, 2021 at 5:30 p.m. concerning my claim.

JaMel E. Ways

From: Stafford Sikes <husker197313.ss@gmail.com>
Sent: Saturday, November 13, 2021 10:34 AM
To: Council Packet
Subject: Mayor does NOT LIVE IN LINCOLN

To whom it may concern,

I am just a blue collar hard working American Republican citizen that has a question for our brilliant city council. Rumor has it that our DICTATOR MAYOR does NOT live in Lincoln, that she conveniently kept her Lincoln address but resides in Ashland Nebraska which is in Saunders County. My question is. How can this actually be allowed? Is this actually how the democratic party works? You make rules that you dont have to live by but enforce them on everyone else. She lives in another county but DICTATES what goes on in another city.

I want to live in Omaha but be a Lincoln resident. Hmmm. Makes alot of sense huh. I have already contacted Gov. Pete Ricketts but he would not address it. Told me i had to contact the city council. I myself along with thousands of Lincoln city residents would like to know how this can be so.

Thank you for your time.
Hopefully i get a response.

Stafford Sikes

Sent from my iPhone

JaMel E. Ways

From: Debra Roberts <mmouse1227@hotmail.com>
Sent: Saturday, November 13, 2021 6:22 PM
To: Council Packet
Cc: Debra Roberts
Subject: Junk Cars

Hello City Council.

I am writing to you all because we have an issue with some property owners with Junk cars and cars parked on the street for months damaged and using 3 trailers as storage on city property

We have called the Police but they will not do nothing to them. I know it is a City Ordinance that vehicles have to be licenced, insured and running and moved on residential property. I will list the addresses and what they are doing.

1. Kendle's Auto Salvage 1645 South 1st Street- Junk cars outside the fence. I was told they are to be parked behind the fence area. 1510 South 2nd Street. He has lots of vehicles parked on the property and not fenced in. He owns the house at 141 Garfield. He has rented the house for years and these vehicles have been parked in the grass for many years. Not registered, they don't run and are not licensed. They are junk vehicles.
2. L & L 1530 South 2nd Street-This is a business that fixes vehicles. He as had a vehicle sitting on South 2nd Street across from his business that has been missing the front in for months and the windshield is all busted. Other Junk cars sitting on the street there. Also, on Garfield Street on the other side of his business he stores 3 trailers there on City property. And behind his business he has not mowed the Alley for quite some time now. He has junk piled in the Alley.

I want to bring it to your attention because LPD will not do anything about it. I didn't know we could use City Property to store our equipment. This is very upsetting that just because it is in a neighborhood that is mostly businesses that the people that live in the area has to deal with this. An owner said she had a car her property and it has set for about 1 month because her grandson put it there because he couldn't drive the car in the winter months. It sits to low. It was licensed, insured and ran. The Police told her that she had 3 days to get off the property. It couldn't just sit there.

I would like to know why some people can do whatever they want and other people can't. I would like it if you would look into this. That area looks like ONE BIG JUNK YARD!! It really looks bad. I appreciate that you have taken the time to read my letter. I look forward to hearing from you concerning the matter.

Thank you again,

Deb Roberts

Sent from Mail for Windows

JaMel E. Ways

From: Andy or Nora <gueck@allophone.com>
Sent: Saturday, November 13, 2021 6:28 PM
To: Council Packet
Subject: City Ordinance to penalize unsecured weapons in vehicles

I am sending this query, as it has been approximately two years since the Council passed the ordinance that anyone found to have left a weapon unsecured in a vehicle can be fined and other penalties.

It seems that this past year has had many more violent shootings than most any year in recent memory and with the law of the books, how much of this violence has been reduced due to this ordinance? In addition, how many illegal weapons have been recovered by the LPD after being notified of a theft of an illegal weapon being stolen from an unsecured vehicle? I feel that this area needs to be discussed as the ordinance has been on the books to have a base line and now we can or should begin considering if a law of this nature cannot show a reasonable return on effort, then it should be sundowned.

Andy Gueck

Lincoln, NE

402-304-8904

Sent from Mail for Windows

JaMel E. Ways

From: Robert Borer <robertjborer@gmail.com>
Sent: Tuesday, November 16, 2021 2:44 PM
To: WethePeople@gov.org
Subject: We the People Update on Chairman Xiden
Attachments: BSTHoldingsvOSHAOrder.pdf

Friends-

The Fifth Circuit recently delivered a ruling on usa communist party leader chairman xiden's quackccine coercion workaround. That's probably not news to most here. But I don't like to share and comment on these cases until I've had a chance to digest them and the reasoning contained therein.

Earthly judges are fallible, and corruptible, just like members of the other branches. People give them too much deference. We must bind them to our system of checks and balances, with no 'check' or 'balance' being supreme. And no LEVEL of checks and balances supreme, either (i.e., federal, state, county, local...). When one branch goes rogue, another can step in. And when one *level* goes rogue (like the fed), another (level) can step in. Any branch can oppose (assuming good reason) any other branch, at their own level or any other level. Ultimately, We the People serve as the final check and balance, barring divine intervention.

That said, this court did their job. They delivered a beautiful, simple, common sense, "Let's Go Brandon" ruling on xiden's tyrannical jab mandate.

We have delivered similar "**Let's Go Bairdon**" rulings on puppet Lopez's mandates. The fact remains, nothing in local Code, Charter, Statute or State Constitution authorizes so-called public health officials, who are nothing more than big pharma puppets, to approach and deprive any healthy person of their inherent, inalienable and God-given rights of to life, liberty, happiness (the pursuit thereof), livelihood, property, assembly, due process and equal protection. Nor does it authorize them to create, out of thin air, foolish, idiotic, baseless doctrines like asymptomatic spread and face-diaper prophylaxis. People can *believe* in flying boogeymen all they want. Believing in them doesn't make them real. As for me and my house, we continue to thrive (in great health) in the midst of their great "pandemic" (without face diapers, without anti-social distancing and without the use of big pharma products). Which begs the question, where is this novel, deadly, contagious, flying boogeyman of theirs????????????

I leave you with these quotes (below) from the decision. As you will see, truth and logic were supplanted by propaganda in the Xiden "Administration" long ago, and their desperate attempt at a coup d'etat is circling the drain.

The Best is Yet to Come. Stay Strong.

Cordially Yours in the Faith of our Fathers,

Bob

Quoting:
The Occupational Safety and Health Act, which created OSHA, was enacted by Congress to assure Americans "safe and healthful working conditions and to preserve our human resources." **It was not**—and likely could not be, under the Commerce Clause and nondelegation doctrine—**intended to authorize a workplace safety administration in the deep recesses of the federal bureaucracy to make sweeping pronouncements on matters of public health affecting every member of society in the profoundest of ways.**

Quoting:
On the dubious assumption that the Mandate does pass constitutional muster — which we need not decide today — **it is nonetheless fatally flawed on its own terms.** Indeed, the Mandate's strained prescriptions combine to make it the rare government pronouncement that is both overinclusive (applying to employers and employees in virtually all

industries and workplaces in America, with little attempt to account for the obvious differences between the risks facing, say, a security guard on a lonely night shift, and a meatpacker working shoulder to shoulder in a cramped warehouse) and underinclusive (purporting to save employees with 99 or more coworkers from a "grave danger" in the workplace, while making no attempt to shield employees with 98 or fewer coworkers from the very same threat). The Mandate's stated impetus—a purported "emergency" that the entire globe has now endured for nearly two years, and which OSHA itself spent nearly two months responding to—is unavailing as well. And its promulgation grossly exceeds OSHA's statutory authority.

Quoting:
...rather than a delicately handled scalpel, **the Mandate is a one-size-fits-all sledgehammer** that makes hardly any attempt to account for differences in workplaces (and workers) that have more than a little bearing on workers' varying degrees of susceptibility to the **supposedly** "grave danger" the Mandate purports to address.

Quoting:
OSHA's attempt to shoehorn an [ALLEGED] airborne virus that is both widely present in society (and thus not particular to any workplace) and non-life-threatening to a vast majority of employees into a neighboring phrase connoting toxicity and poisonousness is yet another transparent stretch.

Quoting:
A natural first step ... is to show that employees ... are in fact exposed to ... COVID-19. As it pertains to the vast majority of private employees covered by the Mandate, however, OSHA fails to meet this threshold burden. In defending the Mandate before this court, the Government credits OSHA with "describ[ing] myriad studies showing workplace [COVID-19] 'clusters' and 'outbreaks' and other significant 'evidence of workplace transmission' and 'exposure.'" **But this misses the mark**, as OSHA is required to make findings of exposure—or at least the presence of COVID-19—in all covered workplaces. Of course, OSHA cannot possibly show that every workplace covered by the Mandate currently has COVID-positive employees, or that every industry covered by the Mandate has had or will have "outbreaks."

Quoting:
...the Mandate makes no serious attempt to explain why OSHA and the President himself were against vaccine mandates before they were for one here.

Quoting:
We next consider the necessity of the Mandate. The Mandate is staggeringly overbroad. Applying to 2 out of 3 private-sector employees in America, in workplaces as diverse as the country itself, the Mandate fails to consider what is perhaps the most salient fact of all: the [alleged] ongoing threat of COVID-19 is more dangerous to some employees than to other employees. All else equal, a 28 year-old trucker spending the bulk of his workday in the solitude of his cab is simply less vulnerable to COVID-19 than a 62 year-old prison janitor. Likewise, **a naturally immune unvaccinated worker is presumably at less risk** than an unvaccinated worker who has never had the virus. The list goes on, but **one constant remains—the Mandate fails almost completely to address**, or even respond to, much of this reality and common sense.

Quoting:
...this kind of thinking belies the premise that any of this is truly an emergency. Indeed, underinclusiveness of this sort is often regarded as a telltale sign that the government's interest in enacting a liberty-restraining pronouncement is not in fact "compelling." ... The underinclusive nature of the Mandate implies that the Mandate's true purpose is not to enhance workplace safety, but instead to ramp up vaccine uptake by any means necessary.

Quoting:
The Mandate is also underinclusive in the solutions it proposes. Indeed, even in its fullest force, the Mandate cannot prevent vaccinated employees from spreading the virus in the workplace, or prevent unvaccinated employees from spreading the virus in between weekly tests.

Quoting:
"the Mandate flunks a cost-benefit analysis"

Quoting:
The Mandate, however, commandeers U.S. employers to compel millions of employees to receive a COVID-19 vaccine or

bear the burden of weekly testing.

...
...the Mandate would far exceed current constitutional authority. Second, concerns over separation of powers principles cast doubt over the Mandate's assertion of virtually unlimited power to control individual conduct under the guise of a workplace regulation.

Quoting:

It is clear that a denial of the petitioners' proposed stay would do them irreparable harm. For one, the Mandate threatens to substantially burden the liberty interests of reluctant individual recipients put to a choice between their job(s) and their jab(s). For the individual petitioners, the loss of constitutional freedoms "for even minimal periods of time . . . unquestionably constitutes irreparable injury."

Likewise, the companies seeking a stay in this case will also be irreparably harmed in the absence of a stay, whether by the business and financial effects of a lost or suspended employee, compliance and monitoring costs associated with the Mandate, the diversion of resources necessitated by the Mandate, or by OSHA's plan to impose stiff financial penalties on companies that refuse to punish or test unwilling employees. The Mandate places an immediate and irreversible imprint on all covered employers in America, and "complying with a regulation later held invalid almost always produces the irreparable harm of nonrecoverable compliance costs."

The States, too, have an interest in seeing their constitutionally reserved police power over public health policy defended from federal overreach.

Quoting:

...a stay is firmly in the public interest. From economic uncertainty to workplace strife, the mere specter of the Mandate has contributed to untold economic upheaval in recent months. Of course, the principles at stake when it comes to the Mandate are not reducible to dollars and cents. The public interest is also served by maintaining our constitutional structure and maintaining the liberty of individuals to make intensely personal decisions according to their own convictions—even, or perhaps particularly, when those decisions frustrate government officials.

Quoting:

The Constitution vests a limited legislative power in Congress. For more than a century, Congress has routinely used this power to delegate policymaking specifics and technical details to executive agencies charged with effectuating policy principles Congress lays down. In the mine run of cases—a transportation department regulating trucking on an interstate highway, or an aviation agency regulating an airplane lavatory—this is generally well and good. **But health agencies do not make housing policy, and occupational safety administrations do not make health policy. In seeking to do so here, OSHA runs afoul of the statute from which it draws its power and, likely, violates the constitutional structure that safeguards our collective liberty.**

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 12, 2021

No. 21-60845

Lyle W. Cayce
Clerk

BST HOLDINGS, L.L.C.; RV TROSCLAIR, L.L.C.; TROSCLAIR AIRLINE, L.L.C.; TROSCLAIR ALMONASTER, L.L.C.; TROSCLAIR AND SONS, L.L.C.; TROSCLAIR ; TROSCLAIR, INCORPORATED; TROSCLAIR CARROLLTON, L.L.C.; TROSCLAIR CLAIBORNE, L.L.C.; TROSCLAIR DONALDSONVILLE, L.L.C.; TROSCLAIR HOUMA, L.L.C.; TROSCLAIR JUDGE PEREZ, L.L.C.; TROSCLAIR LAKE FOREST, L.L.C.; TROSCLAIR MORRISON, L.L.C.; TROSCLAIR PARIS, L.L.C.; TROSCLAIR TERRY, L.L.C.; TROSCLAIR WILLIAMS, L.L.C.; RYAN DAILEY; JASAND GAMBLE; CHRISTOPHER L. JONES; DAVID JOHN LOSCHEN; SAMUEL ALBERT REYNA; KIP STOVALL; ANSWERS IN GENESIS, INCORPORATED; AMERICAN FAMILY ASSOCIATION, INCORPORATED; BURNETT SPECIALISTS; CHOICE STAFFING, L.L.C.; STAFF FORCE, INCORPORATED; LEADINGEDGE PERSONNEL, LIMITED; STATE OF TEXAS; HT STAFFING, LIMITED; DOING BUSINESS AS HT GROUP; THE STATE OF LOUISIANA; COX OPERATING, L.L.C.; DIS-TRAN STEEL, L.L.C.; DIS-TRAN PACKAGED SUBSTATIONS, L.L.C.; BETA ENGINEERING, L.L.C. OPTIMAL FIELD SERVICES, L.L.C.; THE STATE OF MISSISSIPPI; GULF COAST RESTAURANT GROUP, INCORPORATED; THE STATE OF SOUTH CAROLINA; THE STATE OF UTAH; WORD OF GOD FELLOWSHIP, INCORPORATED, DOING BUSINESS AS DAYSTAR TELEVISION NETWORK,

Petitioners,

versus

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,
UNITED STATES DEPARTMENT OF LABOR; UNITED STATES

No. 21-60845

DEPARTMENT OF LABOR; MARTIN J. WALSH, SECRETARY, U.S.
DEPARTMENT OF LABOR; DOUGLAS PARKER, IN HIS OFFICIAL
CAPACITY AS ASSISTANT SECRETARY OF LABOR FOR
OCCUPATIONAL SAFETY AND HEALTH,

Respondents.

Petition for Review of
Occupational Safety and Health Administration
Emergency Temporary Standard

Before JONES, DUNCAN, and ENGELHARDT, *Circuit Judges*.

KURT D. ENGELHARDT, *Circuit Judge*:

The Occupational Safety and Health Administration (OSHA) “reasonably determined” in June 2020 that an emergency temporary standard (ETS) was “not necessary” to “protect working people from occupational exposure to infectious disease, including COVID-19.” *In re AFL-CIO*, 2020 WL 3125324, at *1 (D.C. Cir. June 11, 2020). This was not the first time OSHA had done this; it has refused several times to issue ETSs despite legal action urging it do so. *See, e.g., In re Int’l Chem. Workers Union*, 830 F.2d 369 (D.C. Cir. 1987) (per curiam). In fact, in its fifty-year history, OSHA has issued just ten ETSs.¹ Six were challenged in court; only one survived.² The reason for the rarity of this form of emergency action is

¹ CONG. RSCH. SERV., OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA): EMERGENCY TEMPORARY STANDARDS (ETS) AND COVID-19, at 34 tbl. A-1 (Nov. 10, 2021), available at <https://crsreports.congress.gov/product/pdf/R/R46288>.

² It bears noting at the outset that most of the few ETSs issued by OSHA were immediately stayed pending merits review. *See Asbestos Info. Ass’n/N. Am. v. OSHA*, 727 F.2d 415, 418 (5th Cir. 1984); *Indus. Union Dep’t, AFL-CIO v. Bingham*, 570 F.2d 965, 968 (D.C. Cir. 1977); *Taylor Diving Salvage Co. v. U.S. Dep’t of Lab.*, 537 F.2d 819, 820–21 (5th

No. 21-60845

simple: courts and the Agency have agreed for generations that “[e]xtraordinary power is delivered to [OSHA] under the emergency provisions of the Occupational Safety and Health Act,” so “[t]hat power should be delicately exercised, and only in those emergency situations which require it.” *Fla. Peach Growers Ass’n v. U.S. Dep’t of Lab.*, 489 F.2d 120, 129–30 (5th Cir. 1974).

This case concerns OSHA’s most recent ETS—the Agency’s November 5, 2021 Emergency Temporary Standard (the “Mandate”) requiring employees of covered employers to undergo COVID-19 vaccination or take weekly COVID-19 tests and wear a mask.³ An array of petitioners seeks a stay barring OSHA from enforcing the Mandate during the pendency of judicial review. On November 6, 2021, we agreed to stay the Mandate pending briefing and expedited judicial review. Having conducted that expedited review, we reaffirm our initial stay.

I.

OSHA promulgated its much anticipated⁴ vaccine mandate on November 5, 2021. Framed as an ETS, the Mandate requires all employers of 100 or more employees to “develop, implement, and enforce a mandatory COVID-19 vaccination policy” and require any workers who remain

Cir. 1976) (per curiam); *Fla. Peach Growers Ass’n v. U.S. Dep’t of Lab.*, 489 F.2d 120, 126 (5th Cir. 1974).

³ See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61,402 (Nov. 5, 2021) (to be codified at 29 C.F.R. pts. 1910, 1915, 1917, 1918, 1926, and 1928).

⁴ Debates over the Biden Administration’s forthcoming vaccine mandate roiled the country throughout much of the Fall. For obvious reasons, the Mandate affects every person in America in one way or another.

No. 21-60845

unvaccinated to “undergo [weekly] COVID-19 testing and wear a face covering at work in lieu of vaccination.” 86 Fed. Reg. 61,402, 61,402.

On the afternoon of the Mandate’s publication, a diverse group of petitioners (including covered employers, States, religious groups, and individual citizens) moved to stay and permanently enjoin the mandate in federal courts of appeals across the nation. Finding “cause to believe there are grave statutory and constitutional issues with the Mandate,” we intervened and imposed a temporary stay on OSHA’s enforcement of the Mandate. For ease of judicial review, and in light of the pressing need to act immediately, we consolidated our court’s petitions under the case number captioned above.

Many of the petitioners are covered private employers within the geographical boundaries of this circuit.⁵ Their standing⁶ to sue is obvious—the Mandate imposes a financial burden upon them by deputizing their participation in OSHA’s regulatory scheme, exposes them to severe financial risk if they refuse or fail to comply, and threatens to decimate their workforces (and business prospects) by forcing unwilling employees to take their shots, take their tests, or hit the road.

⁵ Because these petitioners are the targets of the Mandate and bear the brunt of OSHA’s regulatory power, we principally analyze the petitions from their perspective. This is not to say that the claims of other petitioners such as States or individual citizens would be any less successful on a thorough analysis.

⁶ “Only one of the petitioners needs to have standing to permit us to consider the petition for review.” *Massachusetts v. EPA*, 549 U.S. 497, 518 (2007).

No. 21-60845

The petitioners seek a stay—and ultimately a permanent injunction—of the Mandate’s enforcement pending full judicial review of the Mandate. We address their request for a stay today.⁷

II.

The “traditional stay factors . . . govern a request for a stay pending judicial review.” *Nken v. Holder*, 556 U.S. 418, 426 (2009). Under the traditional stay standard, a court considers four factors: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

Each of these factors favors a stay here.

A.

We first consider whether the petitioners’ challenges to the Mandate are likely to succeed on the merits. For a multitude of reasons, they are.

⁷ Our November 6, 2021 stay order preserved the status quo during the pendency of briefing. The unusual procedural posture of this case makes for an unusual process. Ordinarily, a federal plaintiff aggrieved by an adversary’s threatened course of action must go to a *district court* to seek injunctive relief at the outset. In this ordinary scenario, a preliminary injunction precedes a permanent injunction, and trial-court review precedes appellate review. But this is not a typical case. Here, the statute giving OSHA the power to issue emergency temporary standards like the Mandate also provides for direct and immediate judicial review in “the United States court of appeals for the circuit wherein” “[a]ny person who may be adversely affected by” an ETS “resides or has his principal place of business.” See 29 U.S.C. § 655(f). Satisfied of our jurisdiction to proceed under that provision, but mindful of our unusual procedural posture, we apply the traditional factors for a stay pending judicial review and draw factual support from the attachments to the pleadings, uncontested facts, and judicial notice.

No. 21-60845

We begin by stating the obvious. The Occupational Safety and Health Act, which created OSHA, was enacted by Congress to assure Americans “safe and healthful working conditions and to preserve our human resources.” *See* 29 U.S.C. § 651 (statement of findings and declaration of purpose and policy). It was not—and likely *could* not be, under the Commerce Clause and nondelegation doctrine⁸—intended to authorize a workplace safety administration in the deep recesses of the federal bureaucracy to make sweeping pronouncements on matters of public health affecting every member of society in the profoundest of ways. *Cf. Ala. Ass’n of Realtors v. HHS*, 141 S. Ct. 2485, 2488–90 (2021) (per curiam).

On the dubious assumption that the Mandate *does* pass constitutional muster—which we need not decide today⁹—it is nonetheless fatally flawed on its own terms. Indeed, the Mandate’s strained prescriptions combine to make it the rare government pronouncement that is both overinclusive (applying to employers and employees in virtually all industries and workplaces in America, with little attempt to account for the obvious differences between the risks facing, say, a security guard on a lonely night shift, and a meatpacker working shoulder to shoulder in a cramped warehouse) *and* underinclusive (purporting to save employees with 99 or more coworkers from a “grave danger” in the workplace, while making no attempt to shield employees with 98 or fewer coworkers from the very same

⁸ The nondelegation doctrine constrains Congress’s ability to delegate its legislative authority to executive agencies. *See, e.g., Mistretta v. United States*, 488 U.S. 361, 371–72 (1989) (“The Constitution provides that ‘[a]ll legislative Powers herein granted shall be vested in a Congress of the United States’ . . . and we have long insisted that ‘the integrity and maintenance of the system of government ordered by the Constitution’ mandate that Congress generally cannot delegate its legislative power to another Branch.” (first quoting U.S. CONST. art. I, § 1; then quoting *Field v. Clark*, 143 U.S. 649, 692 (1892))).

⁹ *But see infra* subsection II.A.2.f.

No. 21-60845

threat). The Mandate's stated impetus—a purported “emergency” that the entire globe has now endured for nearly two years,¹⁰ and which OSHA itself spent nearly two *months* responding to¹¹—is unavailing as well. And its promulgation grossly exceeds OSHA's statutory authority.

1.

After the President voiced his displeasure with the country's vaccination rate in September,¹² the Administration pored over the U.S. Code in search of authority, or a “work-around,”¹³ for imposing a national

¹⁰ As Justice Gorsuch recently observed, society's interest in slowing the spread of COVID-19 “cannot qualify as [compelling] forever,” for “[i]f human nature and history teach anything, it is that civil liberties face grave risks when governments proclaim indefinite states of emergency.” *Does 1-3 v. Mills*, --- S. Ct. ---, 2021 WL 5027177, at *3 (Oct. 29, 2021) (Gorsuch, J., dissenting); *see also Fla. Peach Growers*, 489 F.2d at 131 (situation ongoing for “last several years . . . fail[ed] to qualify for [OSHA] emergency measures”).

¹¹ The President announced his intention to impose a national vaccine mandate on September 9, 2021. *See, e.g.,* Kevin Liptak & Kaitlan Collins, *Biden Announces New Vaccine Mandates that Could Cover 100 Million Americans*, CNN (Sept. 9, 2021), <https://www.cnn.com/2021/09/09/politics/joe-biden-covid-speech/index.html> (“‘We’ve been patient, but our patience is wearing thin, and your refusal has cost all of us,’ Biden said, his tone hardening toward Americans who still refuse to receive a vaccine despite ample evidence of their safety and full approval of one . . .”). OSHA issued the Mandate nearly two months later, on November 5, 2021, and the Mandate itself prominently features yet another two-month delay. One could query how an “emergency” could prompt such a “deliberate” response. In similar cases, we’ve held that OSHA’s failure to act promptly “does not conclusively establish that a situation is not an emergency,” but “may be evidence that a situation is not a *true* emergency.” *Asbestos Info.*, 727 F.2d at 423 (emphasis added).

¹² *See supra* note 11.

¹³ On September 9, 2021, White House Chief of Staff Ron Klain retweeted MSNBC anchor Stephanie Ruhle’s tweet that stated, “OSHA doing this vaxx mandate as an emergency workplace safety rule *is the ultimate work-around for the Federal govt to require vaccinations.*” *See, e.g.,* Pet’rs Burnett Specialists, Choice Staffing, LLC, and Staff Force Inc.’s Reply Brief at 4 (emphasis added).

No. 21-60845

vaccine mandate. The vehicle it landed on was an OSHA ETS. The statute empowering OSHA allows OSHA to bypass typical notice-and-comment proceedings for six months by providing “for an emergency temporary standard to take immediate effect upon publication in the Federal Register” if it “determines (A) that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (B) that such emergency standard is necessary to protect employees from such danger.” 29 U.S.C. § 655(c)(1).

As the name suggests, *emergency* temporary standards “are an ‘unusual response’ to ‘exceptional circumstances.’” *Int’l Chem. Workers*, 830 F.2d at 371 (quoting *Pub. Citizen Health Rsch. Grp. v. Auchter*, 702 F.2d 1150, 1155 (D.C. Cir. 1983)). Thus, courts have uniformly observed that OSHA’s authority to establish emergency temporary standards under § 655(c) “is an ‘extraordinary power’ that is to be ‘delicately exercised’ in only certain ‘limited situations.’” *Id.* at 370 (quoting *Pub. Citizen*, 702 F.2d at 1155).¹⁴

But the Mandate at issue here is anything *but* a “delicate[] exercise[]” of this “extraordinary power.” *Cf. Pub. Citizen*, 702 F.2d at 1155. Quite the opposite, rather than a delicately handled scalpel, the Mandate is a one-size-fits-all sledgehammer that makes hardly any attempt to account for differences in workplaces (and workers) that have more than a little bearing on workers’ varying degrees of susceptibility to the supposedly “grave danger” the Mandate purports to address.

¹⁴ The Agency has thus conceded in the past that “[t]he OSH Act does not authorize OSHA to issue sweeping health standards to address entire classes of known and unknown infectious diseases on an emergency basis without notice and comment.” *See* Department of Labor’s Resp. to the Emergency Pet. for a Writ of Mandamus at 33–34, *In re AFL-CIO*, No. 20-1158 (D.C. Cir. May 29, 2020) [hereinafter OSHA D.C. Circuit Brief].

No. 21-60845

2.

Thus, as § 655(c)(1) plainly provides, to be lawfully enacted, an ETS must: (1) address “substances or agents determined to be toxic or physically harmful”—or “new hazards”—in the workplace; (2) show that workers are exposed to such “substances,” “agents,” or “new hazards” in the workplace; (3) show that said exposure places workers in “grave danger”; and (4) be “necessary” to alleviate employees’ exposure to gravely dangerous hazards in the workplace. As we have noted in the past, the precision of this standard makes it a difficult one to meet. *See Fla. Peach Growers*, 489 F.2d at 130 (observing that OSHA’s ETS authority “requires determination of danger from exposure to harmful substances, not just a danger of exposure; and, not exposure to just a danger, but to a grave danger; and, not the necessity of just a temporary standard, but that an emergency [temporary] standard is necessary”).¹⁵

(a)

In its brief, Texas makes a compelling argument that § 655(c)(1)’s neighboring phrases “substances or agents” and “toxic or physically harmful” place an airborne virus beyond the purview of an OSHA ETS in the first place. To avoid “giving unintended breadth to the Acts of Congress,” courts “rely on the principle of *noscitur a sociis*—a word is known by the company it keeps.” *Yates v. United States*, 574 U.S. 528, 543 (2015) (cleaned up). Here, OSHA’s attempt to shoehorn an airborne virus that is both widely present in society (and thus not particular to any workplace) and non-life-

¹⁵ In prior litigation, OSHA acknowledged that many “workplaces” covered by a COVID-19 ETS “are not merely workplaces,” but are also “stores, restaurants, and other places occupied by workers and the general public alike, in which the measures called for require a broader lens—and at times a broader mandate—than available to OSHA.” *See* OSHA D.C. Circuit Brief at 20.

No. 21-60845

threatening to a vast majority of employees into a neighboring phrase connoting *toxicity* and *poisonousness* is yet another transparent stretch. Other cases involving OSHA (though not ETSs per se) shed further light on the intended meaning of these terms. *See, e.g., UAW v. OSHA*, 938 F.2d 1310, 1314 (D.C. Cir. 1991). *See generally Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607 (1980). Any argument OSHA may make that COVID-19 is a “new hazard[]” would directly contradict OSHA’s prior representation to the D.C. Circuit that “[t]here can be no dispute that COVID-19 is a *recognized* hazard.” *See* OSHA D.C. Circuit Brief at 25 (emphasis added).

(b)

A natural first step in enacting a lawful ETS is to show that employees covered by the ETS are in fact *exposed* to the dangerous substances, agents, or hazards at issue—here, COVID-19. *See, e.g., Int’l Chem. Workers*, 830 F.2d at 371 (noting OSHA’s stated view “that a finding of ‘grave danger’ to support an ETS be based upon exposure in actual levels found in the workplace”). As it pertains to the vast majority of private employees covered by the Mandate, however, OSHA fails to meet this threshold burden. In defending the Mandate before this court, the Government credits OSHA with “describ[ing] myriad studies showing workplace [COVID-19] ‘clusters’ and ‘outbreaks’ and other significant ‘evidence of workplace transmission’ and ‘exposure.’” *See* Resp’ts’ Opp’n to Emergency Stay Mot. at 8. But this misses the mark, as OSHA is required to make findings of exposure—or at least the presence of COVID-19—in *all* covered workplaces.

Of course, OSHA cannot possibly show that every workplace covered by the Mandate currently has COVID-positive employees, or that every industry covered by the Mandate has had or will have “outbreaks.” As

No. 21-60845

discussed below, this kind of overbreadth plagues the Mandate generally. *See infra* subsection II.A.2.d.

(c)

Equally problematic, however, is that it remains unclear that COVID-19—however tragic and devastating the pandemic has been—poses the kind of grave danger § 655(c)(1) contemplates. *See, e.g., Int’l Chem. Workers*, 830 F.2d at 371 (noting that OSHA itself once concluded “that to be a ‘grave danger,’ it is not sufficient that a chemical, such as cadmium, can cause *cancer* or *kidney damage* at a high level of exposure” (emphasis added)). For starters, the Mandate itself concedes that the effects of COVID-19 may range from “mild” to “critical.” As important, however, the status of the spread of the virus has varied since the President announced the general parameters of the Mandate in September. (And of course, this all assumes that COVID-19 poses any significant danger to workers to begin with; for the more than *seventy-eight* percent¹⁶ of Americans aged 12 and older either fully or partially inoculated against it, the virus poses—the Administration assures us—little risk at all.) *See, e.g.,* 86 Fed. Reg. 61,402, 61,402-03 (“COVID-19 vaccines authorized or approved by the [FDA] effectively protect vaccinated individuals against severe illness and death from COVID-19.”).

The Administration’s prior statements in this regard further belie the notion that COVID-19 poses the kind of emergency that allows OSHA to take the extreme measure of an ETS. In reviewing agency pronouncements, courts need not turn a blind eye to the statements of those issuing such pronouncements. *See, e.g., FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009). In fact, courts have an affirmative duty *not* to do so. It is thus

¹⁶ *See* CDC, COVID DATA TRACKER, <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>.

No. 21-60845

critical to note that the Mandate makes no serious attempt to explain why OSHA and the President himself¹⁷ were against vaccine mandates before they were for one here. *See, e.g.*, Occupational Exposure to Bloodborne Pathogens, 54 Fed. Reg. 23,042, 23,045 (May 30, 1989) (“Health in general is an intensely personal matter. . . . OSHA prefers to encourage rather than try to force by governmental coercion, employee cooperation in [a] vaccination program.”); Letter from Loren Sweatt, Principal Deputy Assistant Sec’y, OSHA, to Richard L. Trumka, President, AFL-CIO at 3 (May 29, 2020) [hereinafter Sweatt Letter] (acknowledging as a general matter that it “would not be necessary for OSHA to issue an ETS to protect workers from infectious diseases” because “OSHA lacks evidence to conclude that all infectious diseases to which employees may be exposed at a workplace constitute a ‘grave danger’ for which an ETS is an appropriate remedy”). Because it is generally “arbitrary or capricious” to “depart from a prior policy *sub silentio*,” agencies must typically provide a “detailed explanation” for contradicting a prior policy, particularly when the “prior policy has engendered serious reliance interests.” *FCC v. Fox*, 556 U.S. at 515. OSHA’s reversal here strains credulity, as does its pretextual basis.¹⁸ Such shortcomings are all hallmarks of unlawful agency actions.

To be sure, “OSHA’s assessment of . . . scientifically complex [facts] and its balancing of the competing policies that underlie the decision whether to issue an ETS . . . are entitled to great deference,” but this is not a case

¹⁷ In December of 2020, the President was quoted as saying, “No I don’t think [vaccines] should be mandatory.” *See, e.g.*, Jacob Jarvis, *Fact Check: Did Joe Biden Reject Idea of Mandatory Vaccines in December 2020*, NEWSWEEK (Sept. 10, 2021), <https://www.newsweek.com/fact-check-joe-biden-no-vaccines-mandatory-december-2020-1627774>.

¹⁸ *See supra* note 13 (Klain endorsement of the term “work-around”).

No. 21-60845

where any amount of deference would make a bit of difference. *Int'l Chem. Workers*, 830 F.2d at 371.

(d)

We next consider the necessity of the Mandate. The Mandate is staggeringly overbroad. Applying to 2 out of 3 private-sector employees in America, in workplaces as diverse as the country itself, the Mandate fails to consider what is perhaps the most salient fact of all: the ongoing threat of COVID-19 is more dangerous to *some* employees than to *other* employees. All else equal, a 28 year-old trucker spending the bulk of his workday in the solitude of his cab is simply less vulnerable to COVID-19 than a 62 year-old prison janitor. Likewise, a naturally immune unvaccinated worker is presumably at less risk than an unvaccinated worker who has never had the virus. The list goes on, but one constant remains—the Mandate fails almost completely to address, or even respond to, much of this reality and common sense.

Moreover, earlier in the pandemic, the Agency recognized the practical impossibility of tailoring an effective ETS in response to COVID-19. *See* OSHA D.C. Circuit Brief at 16, 17, 21, 26 (“Based on substantial evidence, OSHA determined that an ETS is not necessary both because there are existing OSHA and non-OSHA standards that address COVID-19 and because an ETS would actually be counterproductive. . . . To address all employers and to do so with the requisite dispatch, an ETS would at best be an enshrinement of these general and universally known measures that are already enforceable through existing OSHA tools that require employers to assess and address extant hazards. OSHA’s time and resources are better spent issuing industry-specific guidance that adds real substance and permits flexibility as we learn more about this virus. Given that we learn more about COVID-19 every day, setting rules in stone through an ETS (and later a

No. 21-60845

permanent rule) may undermine worker protection by permanently mandating precautions that later prove to be inefficacious. . . . [A]n ETS could only enshrine broad legal standards that are already in place or direct employers to develop COVID-19 response plans specific to their businesses, something employers are already doing. Such a step would be superfluous at best and could be counterproductive to ongoing state, local, and private efforts. . . . Additionally, employers may choose any effective method to abate a recognized hazard under the general duty clause. Contrary to AFL-CIO's argument, this flexibility is likely to improve worker safety, because employers must choose a means of abatement that eliminates the hazard or materially reduces it to the extent feasible." OSHA itself admitted that "an ETS once issued could very well become ineffective or counterproductive, as it may be informed by incomplete or ultimately inaccurate information." *Id.* at 30, 32–33 (acknowledging further that "[a]dequate safeguards for workers could differ substantially based on geographic location, as the pandemic has had dramatically different impacts on different parts of the country. State and local requirements and guidance on COVID-19 are thus critical to employers in determining how to best protect workers, and OSHA must retain flexibility to adapt its advice regarding incorporation of such local guidance, where appropriate. . . . [A]n ETS meant to broadly cover all workers with potential exposure to COVID-19—effectively *all* workers across the country—would have to be written at such a general level that it would risk providing very little assistance at all").

In light of this immense complexity, one might naturally ask the Agency—is this situation truly amenable to a one-size-fits-all Mandate? The likely answer may be why OSHA has in the past "determined that the best approach for responding to the pandemic is to enforce the existing OSH Act requirements that address infectious disease hazards, while also issuing detailed, industry-specific guidance," which is generally "more effective

No. 21-60845

than promulgating a rigid set of requirements for all employers in all industries based on limited information.” *See* Sweatt Letter at 2. In sum, as OSHA itself has previously acknowledged, an ETS appears to be a “poorly-suited approach for protecting workers against [COVID-19] because no standard that covers all of the Nation’s workers would protect all those workers equally.” *See id.* at 9.

At the same time, the Mandate is also *underinclusive*. The most vulnerable worker in America draws no protection from the Mandate if his company employs 99 workers or fewer. The reason why? Because, as even OSHA admits, companies of 100 or more employers will be better able to administer (and sustain) the Mandate. *See* 86 Fed. Reg. 61,402, 61,403 (“OSHA seeks information about the ability of employers with fewer than 100 employees to implement COVID-19 vaccination and/or testing programs.”). That may be true. But this kind of thinking belies the premise that any of this is truly an *emergency*. Indeed, underinclusiveness of this sort is often regarded as a telltale sign that the government’s interest in enacting a liberty-restraining pronouncement is not in fact “compelling.” *Cf. Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 542–46 (1993) (city’s ban on religious animal sacrifice but corresponding allowance of other activities similarly endangering public health belied its purportedly “compelling” interest in safe animal disposal practices). The underinclusive nature of the Mandate implies that the Mandate’s true purpose is not to enhance workplace safety, but instead to ramp up vaccine uptake by any means necessary.¹⁹

¹⁹ The Mandate is also underinclusive in the solutions it proposes. Indeed, even in its fullest force, the Mandate cannot prevent vaccinated employees from spreading the virus in the workplace, or prevent unvaccinated employees from spreading the virus in between weekly tests.

No. 21-60845

(e)

If the deficiencies we've already covered aren't enough, other miscellaneous considerations seal the Mandate's fate. For one, "[t]he Agency cannot use its ETS powers as a stop-gap measure," *Asbestos Info.*, 727 F.2d at 422, but concedes that that is precisely what the Mandate is intended to do here. *See* 86 Fed. Reg. 61,402, 61,434–35 (admitting that "[c]rafting a multi-layered standard that is comprehensive and feasible for all covered work settings, including mixed settings of vaccinated and unvaccinated workers, is an extraordinarily challenging and complicated undertaking, yet the grave danger that COVID-19 poses to unvaccinated workers obliges the agency to act as quickly as possible"). For another, courts have consistently recognized that the "protection afforded to workers [by an ETS] should outweigh the economic consequences to the regulated industry," *Asbestos Info.*, 727 F.2d at 423, but for all the reasons we've previously noted, the Mandate flunks a cost-benefit analysis here.

(f)

It lastly bears noting that the Mandate raises serious constitutional concerns that either make it more likely that the petitioners will succeed on the merits, or at least counsel against adopting OSHA's broad reading of § 655(c) as a matter of statutory interpretation.

First, the Mandate likely exceeds the federal government's authority under the Commerce Clause because it regulates noneconomic inactivity that falls squarely within the States' police power. A person's choice to remain unvaccinated and forgo regular testing is noneconomic inactivity. *Cf. NFIB v. Sebelius*, 567 U.S. 519, 522 (2012) (Roberts, C.J., concurring); *see also id.* at 652–53 (Scalia, J., dissenting). And to mandate that a person receive a vaccine or undergo testing falls squarely within the States' police power. *Zucht v. King*, 260 U.S. 174, 176 (1922) (noting that precedent had long "settled that

No. 21-60845

it is within the police power of a state to provide for compulsory vaccination”); *Jacobson v. Massachusetts*, 197 U.S. 11, 25–26 (1905) (similar). The Mandate, however, commandeers U.S. employers to compel millions of employees to receive a COVID-19 vaccine or bear the burden of weekly testing. 86 Fed. Reg. 61,402, 61,407, 61,437, 61,552. The Commerce Clause power may be expansive, but it does not grant Congress the power to regulate noneconomic inactivity traditionally within the States’ police power. *See Sebelius*, 567 U.S. at 554 (Roberts, C.J., concurring) (“People, for reasons of their own, often fail to do things that would be good for them or good for society. Those failures—joined with the similar failures of others—can readily have a substantial effect on interstate commerce. Under the Government’s logic, that authorizes Congress to use its commerce power to compel citizens to act as the Government would have them act.”); *see also Bond v. United States*, 572 U.S. 844, 854 (2014) (“The States have broad authority to enact legislation for the public good—what we have often called a ‘police power.’ . . . The Federal Government, by contrast, has no such authority. . . .” (citations omitted)). Indeed, the courts “*always* have rejected readings of the Commerce Clause . . . that would permit Congress to exercise a police power.” *United States v. Lopez*, 514 U.S. 549, 584 (1995) (Thomas, J., concurring). In sum, the Mandate would far exceed current constitutional authority.

Second, concerns over separation of powers principles cast doubt over the Mandate’s assertion of virtually unlimited power to control individual conduct under the guise of a workplace regulation. As Judge Duncan points out, the major questions doctrine confirms that the Mandate exceeds the bounds of OSHA’s statutory authority. Congress must “speak clearly if it wishes to assign to an agency decisions of vast economic and political significance.” *Util. Air Regul. Grp. v. EPA*, 573 U.S. 302, 324 (2014) (cleaned up). The Mandate derives its authority from an old statute employed in a

No. 21-60845

novel manner,²⁰ imposes nearly \$3 billion in compliance costs, involves broad medical considerations that lie outside of OSHA's core competencies, and purports to definitively resolve one of today's most hotly debated political issues. *Cf. MCI Telecomms. Corp. v. AT&T*, 512 U.S. 218, 231 (1994) (declining to hold that the FCC could eliminate telecommunications rate-filing requirements); *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 159–60 (2000) (declining to hold that the FDA could regulate cigarettes); *Gonzales v. Oregon*, 546 U.S. 243, 262 (2006) (declining to allow DOJ to ban physician-assisted suicide). There is no clear expression of congressional intent in § 655(c) to convey OSHA such broad authority, and this court will not infer one. Nor can the Article II executive breathe new power into OSHA's authority—no matter how thin patience wears.

At the very least, even if the statutory language were susceptible to OSHA's broad reading—which it is not—these serious constitutional concerns would counsel this court's rejection of that reading. *Jennings v. Rodriguez*, 138 S. Ct. 830, 836 (2018).

* * *

Accordingly, the petitioners' challenges to the Mandate show a great likelihood of success on the merits, and this fact weighs critically in favor of a stay.

B.

It is clear that a denial of the petitioners' proposed stay would do them irreparable harm. For one, the Mandate threatens to substantially burden the

²⁰ Here, it is simply unlikely that Congress assigned authority over such a monumental policy decision to OSHA—hard hats and safety goggles, this is not.

No. 21-60845

liberty interests²¹ of reluctant individual recipients put to a choice between their job(s) and their jab(s). For the individual petitioners, the loss of constitutional freedoms “for even minimal periods of time . . . unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”).

Likewise, the companies seeking a stay in this case will also be irreparably harmed in the absence of a stay, whether by the business and financial effects of a lost or suspended employee, compliance and monitoring costs associated with the Mandate, the diversion of resources necessitated by the Mandate, or by OSHA’s plan to impose stiff financial penalties on companies that refuse to punish or test unwilling employees. The Mandate places an immediate and irreversible imprint on all covered employers in America, and “complying with a regulation later held invalid almost *always* produces the irreparable harm of nonrecoverable compliance costs.” See *Texas v. EPA*, 829 F.3d 405, 433 (5th Cir. 2016) (quoting *Thunder Basin Coal Co. v. Reich*, 510 U.S. 200, 220–21 (1994) (Scalia, J., concurring in part and in the judgment)).

The States, too, have an interest in seeing their constitutionally reserved police power over public health policy defended from federal overreach.

C.

In contrast, a stay will do *OSHA* no harm whatsoever. Any interest *OSHA* may claim in enforcing an unlawful (and likely unconstitutional) ETS is illegitimate. Moreover, any abstract “harm” a stay might cause the Agency

²¹ Not to mention the free religious exercise of certain employees. See U.S. CONST. amend. I; cf. *Holt v. Hobbs*, 574 U.S. 352, 361 (2015).

No. 21-60845

pales in comparison and importance to the harms the absence of a stay threatens to cause countless individuals and companies.

D.

For similar reasons, a stay is firmly in the public interest. From economic uncertainty to workplace strife, the mere specter of the Mandate has contributed to untold economic upheaval in recent months. Of course, the principles at stake when it comes to the Mandate are not reducible to dollars and cents. The public interest is also served by maintaining our constitutional structure and maintaining the liberty of individuals to make intensely personal decisions according to their own convictions—even, or perhaps *particularly*, when those decisions frustrate government officials.

* * *

The Constitution vests a limited legislative power in Congress. For more than a century, Congress has routinely used this power to delegate policymaking specifics and technical details to executive agencies charged with effectuating policy principles Congress lays down. In the mine run of cases—a transportation department regulating trucking on an interstate highway, or an aviation agency regulating an airplane lavatory—this is generally well and good. But health agencies do not make housing policy, and occupational safety administrations do not make health policy. *Cf. Ala. Ass’n of Realtors*, 141 S. Ct. at 2488–90. In seeking to do so here, OSHA runs afoul of the statute from which it draws its power and, likely, violates the constitutional structure that safeguards our collective liberty.

For these reasons, the petitioners’ motion for a stay pending review is GRANTED. Enforcement of the Occupational Safety and Health Administration’s “COVID-19 Vaccination and Testing; Emergency

No. 21-60845

Temporary Standard”²² remains STAYED pending adequate judicial review of the petitioners’ underlying motions for a permanent injunction.²³

In addition, IT IS FURTHER ORDERED that OSHA take no steps to implement or enforce the Mandate until further court order.

²² 86 Fed. Reg. 61,402 (Nov. 5, 2021) (to be codified at 29 C.F.R. pts. 1910, 1915, 1917, 1918, 1926, and 1928).

²³ The Clerk of Court shall ensure that this order applies with equal force to all related motions consolidated into this case in accordance with the court’s November 6, 2021 order.

No. 21-60845

STUART KYLE DUNCAN, *Circuit Judge*, concurring:

In addition to the many reasons ably identified by Judge Engelhardt's opinion, I underscore one reason why these challenges to OSHA's unprecedented mandate are virtually certain to succeed.

Courts "expect Congress to speak clearly when authorizing an agency to exercise powers of 'vast economic and political significance.'" *Ala. Ass'n of Realtors v. Dep't of Health & Human Servs.*, 141 S. Ct. 2485, 2489 (2021) (quoting *Utility Air Regul. Grp. v. EPA*, 573 U.S. 302, 324 (2014)). OSHA's rule reaches "two-thirds of all private-sector workers in the nation." 86 Fed. Reg. 61,402, 61,403 (Nov. 5, 2021). It compels covered employers to (1) make employees get vaccinated or get weekly tests at their expense and wear masks; (2) "remove" non-complying employees; (3) pay per-violation fines; and (4) keep records of employee vaccination or testing status. 86 Fed. Reg. at 61,402-03, 61,551-54; 29 U.S.C. § 666. OSHA invokes no statute expressly authorizing the rule. Instead, OSHA issued it under an emergency provision addressing workplace "substances," "agents," or "hazards" that it has used only ten times in the last 50 years and never to mandate vaccines. 86 Fed. Reg. at 61,403; *see* 29 U.S.C. § 655(c)(1).

Whether Congress could enact such a sweeping mandate under its interstate commerce power would pose a hard question. *See NFIB v. Sebelius*, 567 U.S. 519, 549-61 (2012). Whether OSHA can do so does not.

I concur in granting a stay.

JaMel E. Ways

From: Eric Boyd <eboyd@werner.com>
Sent: Tuesday, November 16, 2021 4:46 PM
To: Council Packet; Lincoln Commission on Human Rights
Cc: JCA Attorney; Eric Boyd; Mayor
Subject: Where to send Doctor bills

Good Afternoon.

Due to the mask mandate in Lancaster County and the requirement of our Mayor, my son is suffering acne (maskacne) as a result. We are being forced for him to wear this. The acne is all around where the mask is, under it and now spreading up his face from the breathing. This is not only a major concern having the acne, but an embarrassment to him. He is an 8th grader at Scott, this is a shame he is having to go through this.

I have an appt for him next week. I need to know where to send his Doctor bills for reimbursement, including any medications and or any future follow ups. He did not have an acne problem until this mandate. This started to be an issue at the end of last year, over the summer it went away. It is now back and it has taken almost 2 months to get into the dermatologist. They are booked solid.

This should not be a bill I have to be pay, as we are being forced for him to wear this mask. I would not encounter this bill if this mandate was not set in place. If these mandates are set in place, this is known to cause acne, there has been news stories on this. If the City wants to allow this mandate, there is a responsibility that comes with the negative of these mask. Mask acne.

I would greatly appreciate a reply back promptly so I know where to send for reimbursement when I attend the appt with him.

Thank you & respectfully yours.

Eric P. Boyd

Subrogation / Property Damage Examiner
Risk Management

Global Headquarters
Werner Enterprises | 14507 Frontier Road, Omaha, NE 68138 | USA
Direct Tel: 800.317.8732 | Fax: 800.568.9158
Werner.com | DriveWerner.com

"Committed to keeping America's roads safe."



JaMel E. Ways

From: Robert Borer <robertjborer@gmail.com>
Sent: Wednesday, November 17, 2021 3:30 PM
To: WethePeople@lancaster.ne.gov; Mayor; Council Packet
Subject: We the People Intel Update...the religion of local subversive Leirion Gaylor Baird

Friends-

The religion of Baird is philosophical materialism, aka atheism. If not in word, certainly in deed (all words to the contrary are only meant to deceive).

In other words, Baird has no moral compass—where would it come from? She only has ambition. Ambition for power.

Very briefly, atheism is the most bankrupt philosophy there is. An atheist believes, by default, that reality is a closed system of natural accidents and events. The atheist believes that inorganic, mindless, impersonal, necessitating and constantly changing matter *accidentally* gave way to beautiful, symmetrical, living, intelligent personalities with free will* and sexual complementariness. (*Of course, they will deny the free will part, but no one can deny in theory what they affirm everyday in practice, without making themselves look like a fool and a hypocrite.)

Atheism also can't account for universal, immaterial, abstract entities like laws of logic and morality. Atheism as a worldview is both internally inconsistent and fails to outwardly correspond with reality.

Again, atheism is bankrupt...UTTERLY bankrupt, morally and in every other way. Atheists are living contradictions. They deny obvious basic truths, and reduce themselves to absurdity. (The art here, for the apologist of truth, is to not let them speak out of both sides of their mouth.)

Now granted, you can encounter an apparently (outwardly) "good" atheist on occasion. But that's not because they are living in accordance with their atheism, but in spite of it. Their conscience still has breath. There is still some theistic worldview momentum going on in their life that they don't want to admit.

At any rate, back to Baird. What does this atheism of hers mean for you, a God-fearing and loving patriot?

It means the following:

If there is no God, it means all men *aren't* created equal.

If there is no God, It means you have no inherent, inalienable, God-given rights.

If there is no God, it means you have no Constitution, because there are no principles to undergird it (and no strong men of faith to defend it).

If there is no God, might makes right.

What all of this means for you is that Baird not only doesn't consider herself your public servant, **she considers you HERS!!** YOU are the servant...*her* servant. Get on your knees and bow before her! She considers herself your superior. She can treat you however she wishes (short of getting in any real trouble with the law, which is very weak these days)...without pang of conscience.

It means she doesn't care about you (though she oftens feigns she does, but that's only part of the power play, to take us down by hook and by crook).

Barid's worldview is how she's able to tell business owners they have to obey her, close their doors and forgo their livelihoods. Does she sleep at night? You bet she does. Is it because she shut down her own livelihood in solidarity? The

idea never crossed her mind.

What all of this means for you is that Baird lied when she took her oath. All atheists do.

What all of this means for you is that Baird never regard the "pandemic" as something to be navigated with wisdom and in such a way as to honor our laws and freedoms and best serve the interests of the community. On the contrary, it means she regarded/regards it as the PLANdemic that it was and is, designed to conquer and divide us. She regarded it as means to an end, an end that she shares with her deep state, green new deal, rich handlers and overlords. She thinks she's going somewhere, politically. (She's in for a huge surprise. If not is this life, certainly in the next—barring repentance, but I'm betting we'll see justice in both.)

That's all I wanted to share for now. Keep praying and stay strong. God is on the side of truth and justice. Let's make sure we're on His side, by word and deed. No fear. Denounce the lies. Live the truth.

"When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn." (Pro 29:2)

We may mourn at times, in our present dilemma, but the Victory is ours because Christ is our King. Read the Hall of Fame in Hebrews chapter 11. It will encourage you! We look for a city with real foundations, whose builder and maker is God.

Meanwhile, we occupy and speak (and act) the truth.

God bless and keep you in His Loving Arms.

Love you all.

Bob